

Title 260 WAC

HORSE RACING COMMISSION

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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 260-68 MEDICATION AND DRUGS

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| 260-68-010 | Commission may require association to set apart place for medication and testing. [Rules of racing, § 361, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-020 | Horses to be sent to testing enclosure, when. [Rules of racing, §§ 362, 363, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-030 | Taking specimens—Presence of owner or representative required—Cooperation enjoined—Penalty. [Rules of racing, § 364, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-040 | Transmittal of specimens to chief chemist. [Rules of racing, § 365, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-050 | Sampling medicines and drugs. [Rules of racing, § 366, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-060 | Identification of medicine prerequisite to action on report. [Rules of racing, § 367, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-070 | Containers—Seals—Saliva test, distilled water to be used. [Rules of racing, § 368, filed 4/21/61.] Repealed |

by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Testing horses of owner or trainer under investigation. [Rules of racing, § 369, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Persons permitted at testing place. [Rules of racing, § 370, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Attempted use or use affecting racing condition—Duty to protect horse—Penalties—Denial or return of prize—Eligibility of other horses. [Order 72-4, § 260-68-100, filed 6/27/72; Rules of racing, § 371, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Voiding track record. [Rules of racing, § 372, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Attempted use or use affecting speed of horse—Penalties. [Order 72-4, § 260-68-120, filed 6/27/72; Rules of racing, § 373, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Attempted use or use affecting speed of horse—Duty to protect horse—Denial or return of prize—Eligibility of other horses. [Rules of racing, § 374, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Hypodermic instruments. [Rules of racing, § 375, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Who may administer medications—Reports. [Rules of racing, § 376, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Chapter 260-88 APPEAL TO THE COMMISSION

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| 260-88-010 | Hearing before the commission. [Statutory Authority: RCW 67.16.020, 04-19-047, § 260-88-010, filed 9/13/04, effective 10/14/04; 04-05-096, § 260-88-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040, 00-07-043, § 260-88-010, filed 3/6/00, effective 4/6/00; 92-17-002, § 260-88-010, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040, 82-09-016 (Order 82-03), § 260-88-010, filed 4/9/82; Rules of racing, § 383, filed 4/21/61.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
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Reviser's note: Later promulgation, see WAC 260-08-675.

Chapter 260-997 INDEX TO TITLE 260 WAC (HORSE RACING COMMISSION)

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| 260-997 | Commission's index to Title 260 WAC. [Rules of racing, Index, filed 1/21/64.] Repealed by 82-09-016 (Order 82-03), filed 4/19/82. Statutory Authority: RCW 67.16.020 and 67.16.040. |
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Chapter 260-08 WAC PRACTICE AND PROCEDURE

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-08-010 Appearance and practice before commission—Who may appear. [Regulation 08.010, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-030 Appearance and practice before commission—Solicitation of business unethical. [Regulation 08.030, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-040 Appearance and practice before commission—Standards of ethical conduct. [Regulation 08.040, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-050 Appearance and practice before commission—Appearance by former employee of commission or former employee of attorney general's staff. [Regulation 08.050, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-060 Appearance and practice before commission—Former employee as expert witness. [Regulation 08.060, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-070 Computation of time. [Regulation 08.070, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-080 Notice and opportunity for hearing in contested cases. [Regulation 08.080, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-090 Service of process—By whom served. [Regulation 08.090, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-100 Service of process—Upon whom served. [Regulation 08.100, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-110 Service of process—Service upon parties. [Regulation 08.110, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-120 Service of process—Method of service. [Regulation 08.120, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-130 Service of process—When service complete. [Regulation 08.130, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-140 Service of process—Filing with commission. [Regulation 08.140, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-230 Depositions and interrogatories in contested cases—Right to take. [Regulation 08.230, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-240 Depositions and interrogatories in contested cases—Scope. [Regulation 08.240, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Regulation 08.250, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-260 Depositions and interrogatories in contested cases—Authorization. [Regulation 08.260, effective 4/7/60.]

Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Regulation 08.270, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Regulation 08.280, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-290 Depositions and interrogatories in contested cases—Recordation. [Regulation 08.290, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Regulation 08.300, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-310 Depositions and interrogatories in contested cases—Use and effect. [Regulation 08.310, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Regulation 08.320, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-330 Depositions upon interrogatories—Submission of interrogatories. [Regulation 08.330, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-340 Depositions upon interrogatories—Interrogation. [Regulation 08.340, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-350 Depositions upon interrogatories—Attestation and return. [Regulation 08.350, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-360 Depositions upon interrogatories—Provisions of deposition rule. [Regulation 08.360, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-370 Official notice—Matters of law. [Regulation 08.370, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-380 Official notice—Material facts. [Regulation 08.380, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-390 Presumptions. [Regulation 08.390, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-400 Stipulations and admissions of record. [Regulation 08.400, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-410 Form and content of decisions in contested cases. [Regulation 08.410, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-420 Definition of issues before hearing. [Regulation 08.420, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-430 Prehearing conference rule—Authorized. [Regulation 08.430, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-440 Prehearing conference rule—Record of conference action. [Regulation 08.440, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-450 Submission of documentary evidence in advance. [Regulation 08.450, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
 260-08-460 Excerpts from documentary evidence. [Regulation 08.460, effective 4/7/60.] Repealed by 93-24-015, filed

- 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation 08.470, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Regulation 08.480, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Regulation 08.490, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 260-08-470 or 260-08-480. [Regulation 08.500, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-510 Continuances. [Regulation 08.510, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-520 Rules of evidence—Admissibility criteria. [Regulation 08.520, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Regulation 08.530, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Regulation 08.540, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-550 Petitions for rule making, amendment or repeal—Requisites. [Regulation 08.550, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-560 Petitions for rule making, amendment or repeal—Commission must consider. [Regulation 08.560, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. [Regulation 08.570, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-580 Declaratory rulings. [Regulation 08.580, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-590 Forms. [Regulation 08.590, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-600 Disclaimer of public liability. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-600, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-610 Public records—Officer. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-610, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-640 Exemptions. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-640, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-670 Proceedings before the commission—Application. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-670, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-680 Proceedings—Notice. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-680, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-690 Proceedings—Notice to limited English speaking parties. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-690, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-700 Computation of time. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-700, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-710 Continuances. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-710, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-720 Filing and service of papers. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-720, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-730 Subpoenas. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-730, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-740 Prehearing conference. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-740, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-750 Evidence. [Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-750, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-760 Testimony under oath or affirmation. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-760, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-770 Reporting-recording. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-770, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-780 Teleconference hearings. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-780, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-790 Cameras—Recording devices. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-790, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-800 Presiding officer. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-800, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-810 Initial or final order. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-810, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-820 Petition for rule making—Form, content and filing. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-820, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-830 Consideration and disposition. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-830, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-08-005 Horse racing commission—Composition—Duties. The horse racing commission, composed of five members appointed by the governor, is responsible for licensing, regulating and supervising all horse racing meets in the state where the parimutuel system is used. The commission also approves and regulates satellite locations and simulcasting, and licenses and regulates advance deposit wagering. The commission functions through periodic public meetings

and where required, conducts hearings in accordance with this chapter. Various commission employees, where required, assist the commission with the statutory duties and the enforcement of chapters 260-12 through 260-84 WAC.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-005, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.040. 93-24-019, § 260-08-005, filed 11/19/93, effective 12/20/93. § 260-08-005, filed 10/6/67.]

WAC 260-08-595 Role of the commission and the executive secretary. The horse racing commission shall appoint an executive secretary who shall act as the chief operating officer for the agency. The executive secretary shall be responsible for the implementation of policies and to enforce rules of the commission. He/she shall also be responsible to carry out the administrative details and the day-to-day operation of the agency, to include the achievement of performance goals and objectives established by the commission and to administrate the agency's budget. The executive secretary shall also act as the appointing authority for agency staff, and as such has the authority and responsibility to hire, promote, assign work, determine duty stations, evaluate, take corrective action, and, where appropriate terminate staff. The executive secretary shall also be responsible to enter into contracts and agreements, and to exercise such other management oversight, decision-making and administrative action that are necessary to achieve agency mission and goals.

[Statutory Authority: RCW 67.16.020. 03-03-041, § 260-08-595, filed 1/10/03, effective 2/10/03.]

WAC 260-08-597 Funding to assist the equine industry. (1) If the commission determines that there are additional funds in its operating account beyond what is needed to fund the continued operations of the commission, the commission may designate up to three hundred thousand dollars of those funds to be used to assist the equine industry. Funds used to assist the equine industry may only be used to help develop the equine industry, maintain or upgrade racing facilities, or assist equine health research. In deciding how to allocate the funds available, the commission will give first consideration to uses that assist the Class C race meets and equine health research. The commission will establish a process for individuals or organizations to request funds.

(2) Available funds may be allocated to fund requests from individuals or organizations, or programs the commission determines support the purposes specified in subsection (1) of this section.

(3) The commission has discretion to determine the amount of funding available, identify the programs for which funding will be provided, the amount of funding for each program, and the procedures for distributing funds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-15-090, § 260-08-597, filed 7/14/06, effective 8/14/06.]

WAC 260-08-620 Requests for public records. Persons requesting opportunity to copy or inspect the commission's public records shall follow these procedures:

(1) All requests to copy or inspect public records shall be made in writing.

(2) All requests shall be submitted by mail, including e-mail, or personally to the commission's main office.

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(3) Each request shall include the following information:

(a) The name of the person or persons making the request.

(b) The calendar date on which the request is made.

(c) The nature of the request, including description of the requested records by title, subject matter, date and other means of enabling the staff of the commission to identify the requested records and make them available.

(d) A signed statement that the material will not be used for commercial purposes, in the event that a list of any type is included in the material requested.

(4) The staff of the commission shall assist any person making a request in identifying the requested record or records, and return the request for resubmission with additional description of the requested records.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-620, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-620, filed 11/19/93, effective 12/20/93.]

WAC 260-08-630 Copying fees. No fee shall be charged for the inspection of public records. The commission may charge a fee per page, as provided in RCW 42.17.300 for providing copies of public records and for use of the office's copy equipment, plus postage at actual cost if the records are mailed. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and mailing.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-630, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-630, filed 11/19/93, effective 12/20/93.]

WAC 260-08-650 Review of denials of public records. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the commission's main office. The written request shall specifically refer to the written statement by the staff member, which constituted or accompanied the denial and must be made in writing prior to the end of the second business day following the denial.

(2) After receiving a written request for review of a decision denying a public record, the staff member denying the request shall refer it to the executive secretary or his or her designee. The executive secretary or designee shall immediately consider the matter and either affirm or reverse such denial, in whole or in part, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the executive secretary or his or her designee has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-650, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-650, filed 11/19/93, effective 12/20/93.]

WAC 260-08-660 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the commission.

(2) Original copies of public records shall not be removed from premises where maintained by the office.

(2007 Ed.)

(3) Care and safekeeping of public records of the commission, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Persons requesting, inspecting, or copying public records shall not disrupt the commission office.

[Statutory Authority: RCW 67.16.020, 04-05-089, § 260-08-660, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040, 93-24-016, § 260-08-660, filed 11/19/93, effective 12/20/93.]

WAC 260-08-671 Adoption of rules of procedure—

Model rules. The commission adopts the model rules of procedure as set forth in chapter 10-08 WAC. If there is a conflict between the model rules and this chapter, the rules in this chapter shall govern. Whenever the term "agency" appears in the model rules it means the Washington horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-05-049, § 260-08-671, filed 2/14/05, effective 3/17/05.]

WAC 260-08-673 Presiding officer—Who may preside. Pursuant to RCW 34.05.425, the presiding officer in a commission hearing shall be the chair of the commission, or other commission member designated by the chair. In proceedings in which the chair or other designee is the presiding officer, the commission shall make the final decision and enter the final order.

In the alternative, the commission may designate that the presiding officer shall be one or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW.

The administrative law judge shall conduct the proceeding and enter an initial order. The initial order shall be subject to review by the commission as provided in RCW 34.05.464.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-05-049, § 260-08-673, filed 2/14/05, effective 3/17/05.]

WAC 260-08-675 Hearing before the commission.

Any person against whom a ruling is made by the stewards may request a hearing before the commission to challenge the ruling. However, a decision concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and will not be reviewed by the commission.

(1) Requests for a hearing before the commission must be filed with an office of the commission within seven days of service of the stewards' ruling.

(2) The request must include: The name, address, telephone number and the signature of the person making the request and a statement of the basis for the challenge to the ruling.

(3) The commission will conduct an adjudicative proceeding according to the provisions of chapter 34.05 RCW, Administrative Procedure Act, and chapter 260-08 WAC, Practice and procedure.

(4) On notification by the commission that a request for a hearing has been filed, the stewards shall forward to the commission the record of the ruling conference.

(2007 Ed.)

(5) Any person requesting a hearing before the commission will be heard in person or by counsel. A person appearing before the commission may submit his or her case entirely in writing, provided this is specified at the time of the filing of the request for hearing with the commission and this procedure is given written approval by the commission.

(6) All communications to the commission with respect to a stewards' ruling must be in writing, and all papers filed with the commission shall be the property of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-05-049, § 260-08-675, filed 2/14/05, effective 3/17/05.]

WAC 260-08-677 Exhaustion of administrative remedies.

A person may file a petition for judicial review only after exhausting all administrative remedies available within the commission, pursuant to RCW 34.05.534. Administrative remedies at the WHRC consist of commission hearings.

The court may relieve a petitioner of the requirements to exhaust any or all administrative remedies upon a showing that:

- (1) The remedies would be patently inadequate;
- (2) The exhaustion would be futile; or
- (3) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-05-049, § 260-08-677, filed 2/14/05, effective 3/17/05.]

Chapter 260-12 WAC GENERAL RULES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-12-130 | Participants, patrons, bound by rules. [Rules of racing, § 14, filed 4/21/61.] Repealed by 07-01-053, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020. Later promulgation, see WAC 260-12-145. |
| 260-12-140 | Owners, etc., bound by rules. [Statutory Authority: RCW 67.16.020 and 67.16.040, 81-08-013 (Order 81-01), § 260-12-140, filed 3/24/81; Rules of racing, § 15, |

260-12-160 filed 4/21/61.] Repealed by 07-01-053, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020. Later promulgation, see WAC 260-12-145. Denial of admission to grounds—Narcotics offenders. [Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-033 (Order 79-05), § 260-12-160, filed 12/17/79; Rules of racing, § 19, filed 4/21/61.] Repealed by 05-14-058, filed 6/29/05, effective 7/30/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-12-001 Promulgation. Chapter 55, Laws of 1933, created and established the Washington horse racing commission, and vested said commission with full powers to prescribe rules, regulations and conditions under which all horse racing, upon the result of which there shall be wagering, shall be conducted within the state of Washington.

The rules of racing as adopted and herein set forth are published and declared the rules and regulations of racing for the state of Washington. They have been compiled with the hope that they will promote racing on a high plane and encourage the breeding and ownership of thoroughbred horses in this state.

Anyone who enters or causes a horse to run, or who owns a share of any horse which takes part in any race held at a meeting conducted under a license from the Washington horse racing commission, or any corporation, association, official or person participating in any such meeting in any capacity, is expected to be conversant with and to comply with the present rules governing racing.

Such persons, corporations and associations hereby agree to submit, without any reservation, to all the rules and consequences resulting therefrom.

WASHINGTON HORSE RACING COMMISSION

Will Bachofner, Chairman,
Robert Mead, Commissioner,
Warren Chinn, Commissioner,
Blaine Johnson, Secretary.

[Rules of racing, Promulgation, filed 4/21/61.]

WAC 260-12-010 Definitions. In applying the rules herein set forth and all amendments thereof the following definitions, constructions and interpretations shall apply, except where otherwise indicated in said rules:

(1) Age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

(2) "Arrears" shall mean all moneys due for entrance forfeits, fees (including jockey's, etc. fees), forfeitures, subscriptions, stake, purchase money in claiming races, and also any default in money incident to the rules.

(3) "Authorized agent" shall mean a person appointed by a written instrument signed and acknowledged before a notary public by the owner and filed in accordance with the rules.

(4) "Association" shall mean any person or persons, associations, or corporations licensed by the commission to conduct racing for any stake, purse or reward.

(5) "Breeder" of a horse shall mean the owner of its dam at the time of foaling.

(6) "Breeding place" shall mean the place of horse's birth.

(7) "Calendar day" shall mean twenty-four hours ending at midnight.

(8) "Declaration" shall mean the act of withdrawing an entered horse from a race before the closing of overnight entries.

(9) "Entry" shall mean according to the requirement of the text (a) a horse made eligible to run in a race, (b) two or more which are entered or run in a race owned by the same owner or trained by the same trainer.

(10) "Equipment," as applied to a horse, shall mean whips, blinkers, tongue straps, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(11) "Forfeit" shall mean money due because of an error, fault, neglect of duty, breach of contract, or a penalty.

(12) "Grounds" shall mean all real property owned or leased by an association used in the conduct of a race meet.

(13) "Horse" includes filly, mare, colt, horse, gelding or ridgling.

(14) "Jockey" shall mean a race rider, whether a licensed jockey, apprentice or amateur.

(15) "Maiden" shall mean a horse which at the time of starting has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden which has been disqualified after finishing first is still to be considered a maiden.

(16) "Meeting" shall mean the entire consecutive period for which license to race has been granted to any one association by the commission.

(17) "Month" shall mean a calendar month.

(18) "Nominator" shall mean a person in whose name a horse is entered for a race.

(19) "Owner" includes sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

(20) "Place" in racing shall mean first, second or third and in that order is called "win," "place," and "show."

(21) "Post position" shall mean the position assigned to the horse at the starting line of the race.

(22) "Post time" shall mean the time set for the arrival at the starting point of the horses in a race and must be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displayed and clearly readable from the grandstand.

(23) "Race" shall mean a contest between horses for purse, stakes, or reward on any licensed course and in the presence of judge or judges. A race which overfills may be contested in two or more divisions.

(a) "Claiming race" shall mean a race in which any horse entered therein may be claimed in conformity with the rules.

(b) "Free handicap" shall mean a handicap in which no liability for entrance money is incurred.

(c) "Handicap" shall mean a race in which the weights to be carried by the entered horses are adjusted by a handicapper or board of handicappers for the purpose of equalizing their respective chances of winning.

(d) "Highweight handicap" shall mean a handicap in which the weight assigned to the top horse in that handicap is not less than 140 pounds.

(e) "Match" shall mean a private sweepstakes between two horses which are the property of two different owners. If prior to the running of the race either of the horses entered in

the match dies, or if either owner dies the match is void. It remains a match even if money or any other award is added to the stakes.

(f) "Optional claiming race" shall mean a race restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race will be considered, for the purposes of these rules, a claiming race.

(g) "Overnight race" shall mean a race for which entries close seventy-two hours, or less, before the time set for the first race of the day on which such race is to be run.

(h) "Owner's handicap" shall mean a race wherein the owner fixes, at the time of entry, the weight his horse is to carry.

(i) "Post race" shall mean a race in which the subscribers announce at declaration time the horse, or horses, each intends to start, without limitations of choice other than prescribed by the rules and conditions of the race.

(j) "Private sweepstakes" shall mean a race to which no money or other prize is added, and which, previous to closing, has not been advertised, either by publication, or by circular or entry blank, or in any other way.

(k) "Produce race" shall mean a race to be run for by the produce of horses named or described at the time of entry.

(l) "Purse race" shall mean a race for money or any other prize to which the owners of the horses engaged do not contribute.

(24) "Race day" shall mean any period of twenty-four hours beginning at midnight and included in the period of a race meeting and in the matter of penalties the word "day" means a "calendar day."

(25) "Recognized meeting" shall mean any meeting wherever held under the sanction of a turf authority having reciprocal relations with the commission and other turf authorities (approved by said commission) for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

(26) "Rules" shall mean the rules herein prescribed and any amendments or additions thereto.

(27) "Scratch" shall mean the act of withdrawing an entered horse from the race after the closing of overnight entries.

(28) "Scratch time" shall mean the time set by the association for the closing of applications for permission to withdraw from races of that day.

(29) "Stake race" or "sweepstakes" shall mean a race for which nominations close more than seventy-two hours in advance of its running and for which subscribers contributed money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of stakes.

(30) "Starter." A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(31) "Stewards" shall mean the stewards of the meeting or their duly appointed deputies.

(32) "Subscription" shall mean the act of nominating to a stake race.

(33) "Untried horse" shall mean a horse whose produce are maidens.

(2007 Ed.)

(34) "Walk over" shall mean a situation in which two horses in entirely different interest do not run in a race.

(35) "Weight for age" shall mean standard weight according to the rules. A "weight for age" race is one in which all horses carry weight according to the scale without penalties or allowances.

(36) "Year" shall mean a calendar year.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-12-010, filed 7/10/81; 81-08-013 (Order 81-01), § 260-12-010, filed 3/24/81; Rules of racing, Rule 1.22(22), filed 8/23/66; Rules of racing, §§ 1-1.47, filed 4/21/61; subsection (12) amended, filed 3/11/65; subsection (14) amended, filed 8/26/65.]

WAC 260-12-020 To whom rules apply. (1) The rules of racing herein prescribed, and any amendments or additions thereto, apply to all persons, associations, partnerships, or corporations holding or conducting a meeting within the state of Washington licensed by the commission where racing shall be permitted for any stake, purse or reward.

(2) The rules shall also apply to any participant in, or patron of, any such licensed meetings.

[Rules of racing, §§ 2, 3, filed 4/21/61.]

WAC 260-12-030 Rules limited to Washington. In reading the rules, unless the text otherwise specifies, it shall be understood, without constant reference thereto, that they apply only in Washington.

[Rules of racing, § 4, filed 4/21/61.]

WAC 260-12-040 Licenses conditioned on observance. Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe, and enforce said rules. Furthermore, it shall be the duty of each and every officer, director, and every official and employee of said licensee to observe and enforce the rules.

[Rules of racing, § 5, filed 4/21/61.]

WAC 260-12-050 Execution, filing, of application for license. Application to the Washington horse racing commission for a license to conduct a race meeting during the next succeeding season of racing must be filed with the secretary of the commission, over the signature of an executive officer of the association not later than February 1st. Once a license is granted, the commission may at any time, upon a showing of good cause, extend, reduce or otherwise modify the dates over which a racing association may conduct a race meet pursuant to that license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-18-020 (Order 81-07), § 260-12-050, filed 8/25/81; Rules of racing, § 6, filed 4/21/61.]

WAC 260-12-060 Application does not commit commission. The application for racing dates and the allotment thereof shall not commit the commission to the granting of a license or licenses to conduct race meetings upon the dates allotted.

[Rules of racing, § 7, filed 4/21/61.]

WAC 260-12-070 May refuse to issue license—Criteria. The commission may refuse to issue a license to conduct a race meeting when in its judgment such refusal shall appear

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to be for the best interest of legitimate racing and of the public. The commission will consider especially the following matters:

- (1) Opportunity for the sport to properly develop;
- (2) Avoidance of competition with established tracks;
- (3) Extent of community support for the promotion and continuance of the tracks;
- (4) The character and reputation of the men identified with the undertaking.

[Rules of racing, § 8, filed 4/21/61.]

WAC 260-12-080 Assignment of license—Racing days. No license or any part thereof shall be transferable or assignable in any manner or in any particular without the consent of the racing commission, and it shall not be permissible of any racing days other than those stipulated.

[Rules of racing, § 9, filed 4/21/61.]

WAC 260-12-090 Amendment, etc., of rules. Any and all of the rules may be amended, altered, repealed or supplemented by new and additional rules.

[Rules of racing, § 10, filed 4/21/61.]

WAC 260-12-100 Laws and rules paramount—Misconduct, punishment. The laws of Washington and the rules promulgated by the commission supersede the conditions of a race, or the regulations of a race meeting. The racing commission may punish independently any misconduct of any persons connected with racing.

[Rules of racing, § 11, filed 4/21/61.]

WAC 260-12-110 Commission's right of entry. Members of the commission and its designated representatives shall have the right of full and complete entry to any and all parts of the grounds, and mutual plants of the association licensed to conduct horse racing.

[Rules of racing, § 12, filed 4/21/61.]

WAC 260-12-115 Equipment and apparatus subject to approval. All equipment, devices or apparatus used to officially record, time, photograph, film or videotape the racing program, or used within the parimutuel department for the sale, calculation, display of odds, or encashment of tickets, is subject to the approval of the commission.

[Order 77.1, § 260-12-115, filed 4/22/77.]

WAC 260-12-120 Commission offices and personnel. Each association shall provide within its grounds an office for the use, and to be at the disposal of the commission and all its officials. The commission shall have such employees or inspectors, who shall perform such duties as may be assigned to them by the commission.

[Rules of racing, § 13, filed 4/21/61.]

WAC 260-12-145 Persons bound by laws and rules. Any person on the grounds of any racing association or satellite location under the jurisdiction of the commission must comply with the laws of Washington and the rules promulgated by the commission.

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[Statutory Authority: RCW 67.16.020. 07-01-053, § 260-12-145, filed 12/14/06, effective 1/14/07.]

WAC 260-12-150 Denial of admission to grounds—Suspended persons and horses. No person or horse ruled off, by or under suspension, by any recognized turf authority, trotting association, quarter horse association included, shall be admitted to the grounds of any association. For exception, see WAC 260-12-170.

[Rules of racing, § 18, filed 4/21/61.]

WAC 260-12-170 Eligibility of horses of suspended person. When a person is ruled off a course or suspended, every horse owned in whole or part by him, or under his care, management, training or superintendence shall be ineligible to be entered or to start in any race until said horse or horses have been reinstated by the rescinding of said person's penalty, or by transfer through bona fide sale, or by placement of horse or horses in the hands of a licensed trainer approved by the stewards.

[Rules of racing, § 20, filed 4/21/61.]

WAC 260-12-180 Safety equipment required. (1) When on association grounds, all persons on horseback shall wear a securely fastened safety helmet that meets current standards for equipment designed and manufactured for use while riding horses as established by the American Society for Testing and Materials/Safety Equipment Institute (ASTM/SEI), the British Standards Institute (BSI) or similar organization.

(2) All persons on horseback shall wear a securely fastened safety vest that is designed to provide shock-absorbing protection of at least a rating of 5, as defined by the British Equestrian Trade Association (BETA).

(3) In addition, all persons on horseback shall wear equestrian footwear with a 1/2 to 3/4 inch heel and that covers the rider's ankle, except jockeys while riding in a race, or while on their mount immediately prior to riding in a race, shall wear jockey boots as required by WAC 260-32-100.

This rule does not apply to nonracing related events conducted for entertainment purposes. Safety equipment for such entertainment events shall be at the discretion of the racing association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-067, § 260-12-180, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 01-01-035, § 260-12-180, filed 12/8/00, effective 1/8/01. Rules of racing, § 24, filed 4/21/61.]

WAC 260-12-190 Racing hours. Each association shall conduct horse racing only between the hours of 12 noon and 11:30 p.m., unless otherwise specifically authorized by the commission.

[Order 73.8, § 260-12-190, filed 10/23/73; Rules of racing, § 321, filed 4/21/61.]

WAC 260-12-200 Number of races per day. The total number of races and the number of exotic races (i.e., daily double, quinella, exacta and trifecta) allowed per day at all tracks shall be subject to the approval of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 82-07-016 (Order 82-02), § 260-12-200, filed 3/9/82; Rules of racing, § 322, filed 4/21/61.]

(2007 Ed.)

WAC 260-12-210 Post time of first race. Post time of the first race at each meeting must be approved by the commission.

[Rules of racing, § 323, filed 4/21/61.]

WAC 260-12-220 Race conditions and rewards to be filed. Each association conducting racing on Washington tracks shall file with the commission, the conditions of races it proposes to hold, together with the stakes, purse or rewards.

[Rules of racing, § 324, filed 4/21/61.]

WAC 260-12-230 Information to be filed before opening of meeting. In not less than ten days before opening of a race meeting, each association licensed to conduct a race meeting or meetings on Washington tracks shall file with the commission:

(1) A complete schedule of the rates of admission fees the association proposes to make at the meeting or meetings for which dates have been awarded.

(2) A financial statement of the association.

(3) A list of stockholders as of the date of application and the amount of stock held by each. Any change in the personnel of officers or stockholders, or in the holdings of any individual stockholder of an association shall be reported to the commission immediately. This rule shall apply during the life of any permit granted by the commission.

The commission may call for further data and information in writing, or it may ask the officers of any association to appear in person before it. There shall thereafter be no change made in any said admission fees except upon the desire changes being submitted to the commission in writing five days prior to the effective date of such changes.

[Rules of racing, § 326, filed 4/21/61.]

WAC 260-12-235 Accepted conditions of race meeting. (1) The commission, recognizing the necessity of an association to comply with the requirements of its license and to fulfill its obligation to the public and the state of Washington with the best possible uninterrupted services, in the comparatively short licensed period, herein provides that all associations, officials, horsemen, owners, trainers, jockeys, grooms, horseshoers, employees, and all licensees, who have accepted directly or indirectly, with reasonable advance notice, the conditions under which said association engages and plans to conduct such race meeting, shall be bound thereby.

(2) Any association, officials, horsemen, owners, trainers, employees, and all licensees who so accept such conditions shall, before they terminate or discontinue their employment engagements or activities, give the commission and the association with whom they are engaged, at least fifteen days notice in writing of their intentions to terminate or discontinue their employment, engagements or activities under such conditions. The commission may upon notice to all parties of interest, conduct a hearing or hearings with respect to any termination or discontinuance of employment: Provided, however, That no group of licensees shall be required to comply with the notice requirements of this rule when track conditions are deemed to be unsafe or hazardous.

[Order 75-1, § 260-12-235, filed 2/18/75.]

(2007 Ed.)

WAC 260-12-240 Commission to approve distribution of passes, etc. Distribution to the public of free passes, tickets, badges or other forms of admission shall be subject to the approval of the commission.

[Rules of racing, § 327, filed 4/21/61.]

WAC 260-12-250 Problem gambling information sign must be posted. The legislature recognizes that some individuals in Washington state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, gambling commission and horse racing commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, gambling commission and horse racing commission shall jointly develop informational signs concerning problem and compulsive gambling, and that signs shall be placed in establishments of horse racing licensees, gambling licensees and lottery retailers.

All Class A, B and C licensees shall post problem and compulsive gambling informational signs in locations of their establishments, including satellite locations, which are clearly visible in patron traffic areas. The informational signs will be provided to the licensee by the horse racing commission and will contain a toll-free hot line number for problem and compulsive gamblers.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-17-084, § 260-12-250, filed 8/12/05, effective 9/12/05. Statutory Authority: RCW 67.16.040. 95-07-142, § 260-12-250, filed 3/22/95, effective 4/22/95.]

Chapter 260-13 WAC

LICENSING REQUIREMENTS FOR NEW TRACKS AND TRANSFERS OF EXISTING TRACKS

WAC

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CLASS A LICENSE

WAC 260-13-010 Identification of applicant for Class A license. An application for a Class A license must include, on a form prepared by the commission, the name, address, and telephone number of the applicant and the name, position, address, telephone number, and authorized signature of an individual to whom the commission may make inquiry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-010, filed 6/16/86.]

WAC 260-13-020 Applicant's affidavit. An application for a Class A license must include, on a form prepared by the commission, an affidavit of the chief executive officer of a major financial participant in the applicant setting forth:

(1) That application is made for a Class A license to own and operate a horse racing facility at which parimutuel betting is conducted. The Class A license is granted directly to a licensee who will have complete control over the horse racing and the facility including all aspects of ownership and operation.

(2) That affiant is the agent of the applicant, its owners, partners, members, directors, officers, and personnel and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached.

(3) That the applicant seeks a grant of a privilege from the state of Washington, and the burden of proving the applicant's qualifications rests at all times with the applicant.

(4) That the applicant consents to inquiries by the state of Washington, its employees, the commission members, staff, and agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations.

(5) That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim

which otherwise could be made against the state of Washington, its employees, the commission, staff, or agents.

(6) That affiant has read the applicant's identification and disclosures and knows the contents; the contents are true to affiant's own knowledge, except matters therein stated on information and belief; as to those matters, affiant believes them to be true.

(7) That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information or significant deviation from representations in the application may result in denial, revocation, or suspension of a license or imposition of a fine.

(8) That the applicant will comply with chapter 67.16 RCW and all rules of the commission.

(9) The affiant's signature, name, organization, position, address, and telephone number.

(10) The date.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-020, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-020, filed 6/16/86.]

WAC 260-13-030 Disclosure of ownership and control. An applicant for a Class A license must disclose:

(1) The type of organizational structure of the applicant, whether individual business corporation, nonprofit corporation, partnership, joint venture, trust, association, or other.

(2) If the applicant is an individual, the applicant's full legal name, whether the applicant is a United States citizen, any aliases and business names currently used by the applicant, and copies of state and federal tax returns for the past five years.

(3) If the applicant is a corporation:

(a) The applicant's full corporate name and any trade names currently used by the applicant.

(b) The jurisdiction and date of incorporation.

(c) The date the applicant commenced doing business in Washington and, if the applicant is incorporated outside Washington, a copy of the applicant's certificate of authority to do business in Washington.

(d) Copies of the applicant's articles of incorporation, bylaws, and state and federal corporate tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) Whether the applicant is publicly held as defined by the rules and regulations of the securities and exchange commission.

(g) The classes of stock of the applicant. As to each class, the number of shares authorized, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights, and privileges must be disclosed.

(h) If the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted.

(i) The names, in alphabetical order, addresses and telephone numbers of the directors and, in a separate listing, officers of the applicant. As to each director and officer, the

number of shares held of record as of the application date or beneficially of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which bear voting rights must be disclosed.

(j) The names, in alphabetical order, addresses and telephone numbers of each record holder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. As to each holder of shares or units, the number and class or type of shares or units must be disclosed.

(k) Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and securities and exchange commission rules and regulations have been met in connection with issuance of applicant's securities, and copies of most recent registration statement and annual report filed with the securities and exchange commission.

(l) Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation have been met, and a copy of most recent registration statement filed with the securities regulator in that jurisdiction.

(m) Whether the securities registration and filing requirements of the state of Washington have been met. If they have not, the applicant must disclose the reasons why. The applicant must provide copies of all securities filing with the Washington department of licensing securities division during the past five years.

(4) If the applicant is an organization other than a corporation:

(a) The applicant's full name and any trade names currently used by the applicant.

(b) The jurisdiction of organization of the applicant.

(c) The date the applicant commenced doing business in Washington.

(d) Copies of any agreements creating or governing the applicant's organization and the applicant's state and federal tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) The names, in alphabetical order, address and telephone numbers of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, including options, or other voting interest, whether absolute or contingent, in the applicant.

(g) The names, in alphabetical order, addresses and telephone numbers of any individual or other entity holding a record or beneficial ownership interest, including options, as of the date of the application or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest.

(5) If a nonindividual record or beneficial holder of an ownership or other voting interest of one percent or more in the applicant is identified pursuant to subsection (3)(i) or (j) or (4)(f) or (g), the applicant must make its best effort to disclose the information required by those clauses as to record or beneficial holders of an ownership or other voting interest of one percent or more in that nonindividual holder. The disclosure required by those clauses must be repeated, in turn, until all indirect individual record and beneficial holders of owner-

ship or other voting interests in applicant are so identified. The term "best effort," as used in this and subsequent sections of this chapter, means an active and serious attempt which is made in good faith, and goes beyond due diligence, to provide the information required to be disclosed. When an applicant is unable, despite its best effort, to provide the information required, it shall explain fully and document its inability to do so.

(6) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of control.

(7) Any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding ownership or operation of applicant's horse racing facility, and copies of any written agreements.

(8) Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation by the applicant, and copies of any written agreements.

(9) Whether the applicant, any partner, director, officer, other policymaker, holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant has held or holds a license or permit issued by a governmental authority to own and operate a horse racing facility or conduct any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-030, filed 6/16/86.]

WAC 260-13-040 Disclosure of character information. An applicant for a Class A license must make its best effort, as defined in WAC 260-13-030(5), to disclose whether the applicant or any individual or other entity identified above has:

(1) Been charged in a criminal proceeding with a felony or fraud, misrepresentation, theft, larceny, embezzlement, tax evasion, robbery, burglary, bribery, extortion, jury tampering, obstruction of justice, perjury, an antitrust violation or conspiracy to commit any of the foregoing. If so, the applicant must disclose the date charged, court, whether convicted, date convicted, crime convicted of, and sentence.

(2) Been a party in a civil proceeding and alleged to have engaged in an unfair or anticompetitive business practice, a securities violation, or false or misleading advertising. If so, the date of commencement, court, circumstances, date of decision, and result.

(3) Had a horse racing, gambling, or other business license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(4) Been accused in an administrative or judicial proceeding of violation of a statute or rule relating to unfair labor practices, discrimination, horse racing, or gambling. If so, the

applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(5) Commenced an administrative or judicial action against a governmental regulator of horse racing or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(6) Been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(7) Failed to satisfy any judgment, decree, or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and circumstances.

(8) Been delinquent in filing a tax report required or remitting a tax imposed by any government. If so, the applicant must disclose the date and circumstances.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-040, filed 6/16/86.]

WAC 260-13-050 Disclosure of improvements and equipment. An applicant for a Class A license must disclose with respect to the parimutuel horse racing facility it will own and operate:

(1) The address of the facility, its size, and geographical location, including reference to county and municipal boundaries.

(2) A site map which reflects current and proposed highways and streets adjacent to the facility.

(3) The types of racing for which the facility is designed, whether thoroughbred, harness, quarter horse, or other.

(4) Racetrack dimensions by circumference, width, banking, location of chutes, length of stretch, distance from judges' stand to first turn and type of surface. If the facility has more than one racetrack, the applicant must provide a description of each.

(5) A description of horse stalls at the facility, giving the dimensions of stalls, separation, location, and total number of stalls.

(6) A description of the grandstand, giving total seating capacity, total reserved seating capacity, indoor and outdoor seating capacity, configuration of grandstand seating and parimutuel and concession facilities within the grandstand; the number and location of men's and women's restrooms, drinking fountains, and medical facilities available to patrons; and a description of public pedestrian traffic patterns throughout the grandstand.

(7) A description of the detention barn, giving distance from detention barn to track and paddock, number of sampling stalls, placement of viewing ports on each stall, location of postmortem floor, number of wash stalls with hot and cold water and drains and availability of video monitors; and a description of the walking ring.

(8) A description of the paddock, number of stalls in the paddock, height from the floor to lowest point of the stall ceiling and entrance, and paddock public address and telephone services.

(9) A description of the jockeys' and drivers' quarters, giving changing areas, a listing of equipment to be installed in each, and the location of the jockeys' quarters in relation to the paddock.

(10) A description of the parimutuel tote, giving approximate location of bettors' windows and cash security areas, and a description of the equipment, including the provider if known.

(11) A description of the parking, giving detailed attention to access to parking from surrounding streets and highways. Number of parking spaces available, distinguishing between public and other; a description of the road surface on parking areas and the distance between parking and the grandstand; and a road map of the area showing the relationship of parking to surrounding streets and highways.

(12) A description of the height, type of construction, and materials of perimeter fence; whether the perimeter fence is topped by a barbed wire apron at least two feet wide and directed outward at a forty-five degree angle; and whether there is a clear zone at least four feet wide around the outside of the entire perimeter fence.

(13) A description of improvements and equipment at the racetrack for security purposes in addition to perimeter fence, including the provider of equipment if known.

(14) A description of starting, timing, photo finish, and photo-patrol or video equipment, including the provider if known.

(15) A description of work areas for the commission members, officers, employees, and agents.

(16) A description of access of the facility to public transportation, specifics of the type of transportation and schedules, road maps of area indicating pick-up and drop-off points.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-050, filed 6/16/86.]

WAC 260-13-060 Disclosure of development process. An applicant for a Class A license must disclose with regard to development of its horse racing facility:

(1) The total cost of construction of the facility, distinguishing between fixed costs and projections.

(2) Separate identification of the following costs, distinguishing between fixed costs and projections:

(a) Facility design;

(b) Land acquisition;

(c) Site preparation;

(d) Improvements and equipment, separately identifying the costs of WAC 260-13-050 (4) through (15) and other categories of improvements and equipment;

(e) Interim financing;

(f) Permanent financing;

(g) Organization, administrative, accounting, and legal.

(3) Documentation of fixed costs.

(4) The schedule for construction of the facility, including estimated completion date.

(5) Schematic drawings.

(6) Copies of any contracts with and performance bonds from the:

(a) Architect or other design professional;

(b) Project engineer;

(c) Construction engineer;

(d) Contractors and subcontractors; and

(e) Equipment procurement personnel.

(7) Whether the site has been acquired or leased by applicant. If so, the applicant must provide the documenta-

tion. If not, the applicant must disclose what actions the applicant must take in order to use the site.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-060, filed 6/16/86.]

WAC 260-13-070 Disclosure of financial resources.

An applicant for a Class A license must disclose the following with regard to financial resources:

(1) An audited financial statement reflecting the applicant's current assets, including investments in affiliated entities, loans and advances receivable and fixed assets and current liabilities, including loans and advances payable, long-term debt and equity.

(2) Equity and debt sources of funds to develop, own, and operate the horse racing facility:

(a) With respect to each source of equity contribution, identification of the source, amount, form, method of payment, nature and amount of present commitment, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(b) With respect to each source of debt contribution, identification of the source, amount, terms of debt, collateral, identity of guarantors, nature and amount of commitments, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts.

(3) Identification and description of sources of additional funds if needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-070, filed 6/16/86.]

WAC 260-13-080 Disclosure of financial plan.

An applicant for a Class A license must disclose with regard to its financial plan the financial projections for the development period and each of the first five racing years, with separate schedules based upon the number of racing days and types of parimutuel betting the applicant requires to break even and the optimum number of racing and types of betting applicant seeks each year. The commission will utilize financial projections in deciding whether to issue Class A licenses. Neither acceptance of a license application nor issuance of a license shall bind the commission as to matters within its discretion, including, but not limited to, assignment of racing days and designation of types of permissible parimutuel pools. The disclosure must include:

(1) The following assumptions and support for them:

- (a) The average daily attendance;
- (b) Average daily per capita handle and average bet;
- (c) Retainage;
- (d) Admissions to track, including ticket prices and free admissions;

- (e) Parking volume, fees, and revenues;
- (f) Concessions, gift shop, and program sales;
- (g) Cost of purses;
- (h) Parimutuel expense;
- (i) State taxes;
- (j) Real estate taxes;
- (k) Breeder fund;

- (l) Payroll;
- (m) Operating supplies and services;
- (n) Utilities;
- (o) Repairs and maintenance;
- (p) Insurance;
- (q) Travel expense;
- (r) Membership expense;
- (s) Security expense;
- (t) Legal and audit expense;
- (u) Debt service; and
- (v) Federal taxes;

(2) The following profit and loss elements:

(a) Total revenue, including projected revenues from retainage and breakage, admissions, parking, and concessions, gift, and program operations;

(b) Total operating expenses, including anticipated expenses for:

- (i) Purses;
- (ii) Parimutuel;
- (iii) Sales tax;
- (iv) Breakage to state;
- (v) Real estate tax;
- (vi) Admissions tax;
- (vii) Breeder fund;
- (viii) Special assessments;
- (ix) Cost of concession goods, gifts, and programs;
- (x) Advertising and promotion;
- (xi) Payroll;
- (xii) Operating supplies and service;
- (xiii) Maintenance and repairs;
- (xiv) Insurance;
- (xv) Security;
- (xvi) Legal and audit; and
- (xvii) Federal and state income taxes.

(c) Nonoperating expenses, including anticipated expenses for debt service, facility depreciation and identification of method used, and equipment depreciation and identification of method used;

(3) Projected cash flow, including assessment of:

(a) Income, including equity contributions, debt contributions, interest income, operating revenue; and

(b) Disbursements, including land, improvements, equipment, debt service, operating expense, organizational expense; and

(4) Projected balance sheets as of the end of the development period and each of the five racing years setting forth:

- (a) Current, fixed, and other noncurrent assets;
- (b) Current and long-term liabilities; and
- (c) Capital accounts.

The applicant must also disclose an accountant's review report of the financial projections.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-080, filed 6/16/86.]

WAC 260-13-090 Disclosure of governmental actions. An applicant for a Class A license must disclose with regard to actions of government agencies:

(1) The street and highway improvements necessary to ensure adequate access to applicant's horse racing facility, and the cost of improvements, status, likelihood of completion, and estimated date.

(2) The sewer, water, and other public utility improvements necessary to serve applicant's facility, and the cost of improvements, status, likelihood of completion, and estimated date.

(3) If applicant has obtained any required government approvals for its development, ownership, and operation of its horse racing facility;

(a) A description of the approval, unit of government, date, and documentation.

(b) Whether public hearings were held. If they were, the applicant must disclose when and where the hearings were conducted. If they were not held, the applicant must disclose why they were not held.

(c) Whether the unit of government attached any conditions to approval. If so, the applicant must disclose these conditions, including documentation.

(4) Whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval, and estimated date.

(5) Whether an environmental assessment of the facility has been or will be prepared. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any assessment.

(6) Whether an environmental impact statement is required for applicant's facility. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any statement.

(7) Whether the applicant is in compliance with all statutes, charter provisions, ordinances, and regulations pertaining to the development, ownership, and operation of its horse racing facility. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-090, filed 6/16/86.]

WAC 260-13-100 Disclosure of management. An applicant for a Class A license must disclose with regard to the development, ownership, and operation of its parimutuel horse racing facility:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function, job descriptions, and qualifications for each management position, and a copy of the organization chart;

(2) Management personnel to the extent known with respect to each:

(a) Legal name, aliases, and previous names;

(b) Current residence and business addresses and telephone numbers;

(c) Qualifications and experience in the following areas:

(i) General business;

(ii) Real estate development;

(iii) Construction;

(iv) Marketing, promotion, and advertising;

(v) Finance and accounting;

(vi) Horse racing;

(vii) Parimutuel betting;

(viii) Security; and

(ix) Human and animal health and safety; and

(d) Description of the terms and conditions of employment and a copy of the agreement;

(3) Consultants and other contractors who have provided or will provide management-related services to applicant to extent known and with respect to each:

(a) Full name;

(b) Current address and telephone number;

(c) Nature of services;

(d) Qualifications and experience;

(e) Description of terms and conditions of any contractor's agreement, and a copy of the agreement;

(4) Memberships of the applicant, management personnel, and consultants [in] [on] horse racing organizations;

(5) Description of the applicant's security plan, including:

(a) Number of deployment of security personnel used by [the] applicant during a race meeting, security staff levels, and deployment at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses and cash room;

(c) Specific plans to discover persons at the horse racing facility who have been convicted of a felony, had a license suspended, revoked, or denied by the commission or by the horse racing authority of another jurisdiction or are a threat to the integrity of [a] racing in Washington;

(d) Description of video monitoring equipment and its use;

(e) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(f) Coordination of security with law enforcement agencies;

(6) Description of the applicant's plans for human and animal health and safety, including emergencies;

(7) Description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for concessions, including whether the licensee will operate concessions and, if not, who will, to the extent known;

(9) A description of training of the applicant's personnel;

(10) A description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of equal employment opportunity statement and policy of the applicant dated and signed by chief executive officer; and a copy of affirmative action policy and procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.; and

(11) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

(12) A description of the applicant's plan for purses, including total purses, formula, minimum, stakes races, and purse handling procedures;

(13) A description of the applicant's plan for parimutuel betting, including, number of line divisions, windows, selling machines and clerks; use or duties of each; and accounting

procedures, including its proposed system of internal audit and supervisory controls.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-100, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-100, filed 6/16/86.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 260-13-110 Disclosure of public service. An applicant for a Class A license must disclose its plans for promotion of the orderly growth of horse racing in Washington and education of the public with respect to horse racing and parimutuel betting.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-110, filed 6/16/86.]

WAC 260-13-120 Disclosure of impact of facility. An applicant for a Class A license must disclose the impact of its horse racing facility, including:

- (1) Economic impact, including:
 - (a) Employment created and specifics as to number of jobs, whether permanent or temporary, type of work, compensation, employer, and how created;
 - (b) Purchases of goods and services and specifics as to money amounts and types of purchases;
 - (c) Public and private investment; and
 - (d) Tax revenues generated;
- (2) Ecological impact;
- (3) Impact on energy conservation and development of alternative energy sources; and
- (4) Social impact.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-120, filed 6/16/86.]

WAC 260-13-130 Disclosure of public support and opposition. An applicant for a Class A license must disclose public support and opposition, whether by a governmental official or agency or private individual or group and must supply documentation.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-130, filed 6/16/86.]

WAC 260-13-140 Effects on competition. An applicant for a Class A license must disclose the effects of its ownership and operation of its horse racing facility on competitors within the horse racing industry. This disclosure must analyze the impact on all other existing race tracks in Washington at the time and the racing dates are projected to commence.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-140, filed 6/16/86.]

WAC 260-13-150 Disclosure of assistance in preparation of application. An applicant for a Class A license must disclose the names, addresses, and telephone numbers of individuals who assisted applicant in preparation of its application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-150, filed 6/16/86.]

(2007 Ed.)

WAC 260-13-160 Personal information and authorization for release. In an application for a Class A license the applicant must make its best effort, as defined above to include the following with respect to each individual identified as an applicant, partner, director, officer, other policy-maker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant and each individual identified pursuant to WAC 260-13-030.

(1) Full name, business and residence addresses and telephone numbers, last five residence addresses, date of birth, place of birth, Social Security number, if the individual is willing to provide it, and two references; and

(2) An authorization for release of personal information, on a form prepared by the commission, signed by the individual and providing that he or she:

(a) Authorizes a review by and full disclosure to an agent of the Washington state patrol of all records concerning the individual, whether the records are public, nonpublic, private, or confidential;

(b) Recognizes the information reviewed or disclosed may be used by the state of Washington, its employers, the commission, members, staff and agents to determine the signer's qualifications for a Class A license; and

(c) Releases authorized providers and users of the information from any liability under state or federal data privacy law.

(3) This rule will not apply to information that properly comes within privileges recognized by the law such as between attorney and client.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-160, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-160, filed 6/16/86.]

WAC 260-13-170 Class A license criteria. The commission may refuse to issue a Class A license to conduct a race meeting when in its judgment such refusal shall appear to be for the best interest of legitimate racing and of the public. In making this determination, the commission must consider the following factors and indices:

(1) The integrity of the applicant, its partners, directors, officers, policymakers, managers, and holders of ownership or other voting interests or control, including:

- (a) Criminal record;
- (b) Involvement in litigation over business practices;
- (c) Involvement in disciplinary actions over a business license or permit or refusal to renew a license or permit;
- (d) Involvement in proceedings in which unfair labor practices, discrimination, or government regulation of horse racing or gambling was an issue;
- (e) Involvement in bankruptcy proceedings;
- (f) Failure to satisfy judgments, orders, or decrees;
- (g) Delinquency in filing of tax reports or remitting taxes; and

(h) Any other indices related to integrity which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(2) The types and variety of parimutuel horse racing which applicant will offer;

(3) The quality of physical improvements and equipment in applicant's facility, including:

- (a) Racetrack or tracks;
- (b) Stabling;
- (c) Grandstand;
- (d) Detention barn;
- (e) Paddock;
- (f) Jockeys' and drivers' quarters;
- (g) Parimutuel tote;
- (h) Parking;
- (i) Access by road and public transportation;
- (j) Perimeter fence;
- (k) Other security improvements and equipment;
- (l) Starting, timing, photo finish, and photo-patrol or video equipment;

(m) Commission work areas; and

(n) Any other indices related to quality which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(4) Imminence of completion of facility;

(5) Financial ability to develop, own, and operate a parimutuel horse racing facility successfully, including:

- (a) Ownership and control structure;
- (b) Amounts and reliability of development costs;
- (c) Certainty of site acquisition or lease;
- (d) Current financial condition;
- (e) Sources of equity and debt funds, amounts, terms and conditions and certainty of commitment;

(f) Provision for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other financial adversity;

(g) Feasibility of financial plan; and

(h) Any other indices related to financial ability which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(6) Status of governmental actions required by the applicant's facility, including:

- (a) Necessary road improvements;
- (b) Necessary public utility improvements;
- (c) Required governmental approvals for development, ownership, and operation of the facility;

(d) Acceptance of any required environmental assessment and preparation of any required environmental impact statement; and

(e) Any other indices related to status of governmental actions which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(7) Management ability of the applicant, including:

(a) Qualifications of managers, consultants, and other contractors to develop, own, and operate a parimutuel horse racing facility;

(b) Security plan;

(c) Plans for human and animal health and safety;

(d) Marketing, promotion, advertising plans;

(e) Concessions plan;

(f) Plan for training personnel;

(g) Equal employment and affirmative action plans; and

(h) Any other indices related to management ability which the commission deems crucial to its decision making

as long as the same indices are considered with regard to all applicants;

(8) Compliance with applicable statutes, charters, ordinances, or regulations;

(9) Efforts to promote orderly growth or horse racing in Washington and educate public with respect to horse racing and parimutuel betting;

(10) Impact of facility, including:

(a) Economic impact, including employment created, purchases of goods and services, public and private investment and taxes generated;

(b) Ecological impact;

(c) Impact on energy conservation and development of alternative energy sources;

(d) Social impact;

(e) Costs of public improvements; and

(f) Any other indices related to impact which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(11) Extent of public support and opposition; and

(12) Effects on competition, with existing tracks, including:

(a) Number, nature, and relative location of other Class A licenses;

(b) Minimum and optimum number of racing days sought by the applicant; and

(c) Any other indices of the impact of competition which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants.

The commission also must consider any other information which the applicant discloses and is relevant and helpful to a proper determination by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-170, filed 6/16/86.]

CLASS B LICENSE

WAC 260-13-175 Definition of "applicant." In all rules relating to applications of Class B licenses the term "applicant" shall mean lessee. As used in WAC 260-13-180; 260-13-200; 260-13-210; 260-13-230; 260-13-240; 260-13-320; 260-13-330; 260-13-350; 260-13-360; and 260-13-440, for all new track facilities constructed after January 1, 1991, the term "applicant" shall mean both lessee and lessor.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-175, filed 8/5/92, effective 9/5/92.]

WAC 260-13-180 Identification of applicant for Class B license. An application for a Class B license must include, on a form prepared by the commission, the name, address, and telephone number of the applicant, and the name, position, address, telephone number, and authorized signature of an individual to whom the commission may make inquiry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-180, filed 6/16/86.]

WAC 260-13-190 Applicant's affidavit. An application for a Class B license must include, on a form prepared by the commission, an affidavit of the chief executive officer of or a major financial participant in the applicant setting forth:

(1) That application is made for a Class B license to sponsor and manage horse racing on which parimutuel betting is conducted. The Class B license is granted directly to a licensee who will have complete control over the horse racing but who does not retain ownership of the facility itself as in a Class A license.

(2) That affiant is the agent of the applicant, its owners, partners, members, directors, officers, and personnel and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached.

(3) That the applicant seeks a grant of a privilege from the state of Washington, and the burden of proving the applicant's qualifications rests at all times with the applicant.

(4) That the applicant consents to inquiries by the state of Washington, its employees, the commission, members, staff, agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations.

(5) That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the state of Washington, its employees, the commission, staff, or agents.

(6) That affiant has read the applicant's identification and disclosures and knows the contents; the contents are true to affiant's own knowledge, except matters therein stated on information and belief; as to those matters, affiant believes them to be true.

(7) That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information, or significant deviation from representations in the application may result in denial, revocation, or suspension of a license or imposition of a fine.

(8) That the applicant will comply with chapter 67.16 RCW and all rules of the commission.

(9) Affiant's signature, name, organization, position, address, and telephone number.

(10) The date.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-190, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-190, filed 6/16/86.]

WAC 260-13-200 Disclosure of ownership and control. An applicant for a Class B license must disclose:

(1) The type of organizational structure of the applicant, whether individual, business corporation, nonprofit corporation, partnership, joint venture, trust, association, or other entity.

(2) If the applicant is an individual, the applicant's full legal name, whether the applicant is a United States citizen, any aliases and business names currently used by the applicant, and copies of state and federal tax returns for the past five years.

(3) If the applicant is a corporation:

(a) The applicant's full corporate name and any trade names currently used by the applicant.

(b) The jurisdiction and date of incorporation.

(c) The date the applicant commenced doing business in Washington and, if the applicant is incorporated outside Washington, a copy of the applicant's certificate of authority to do business in Washington.

(d) Copies of the applicant's articles of incorporation, bylaws, and state and federal corporate tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) Whether the applicant is publicly held as defined by the rules and regulations of the securities and exchange commission.

(g) Classes of stock of the applicant. As to each class, the number of shares authorized, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights, and privileges must be disclosed.

(h) If the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted.

(i) The names, in alphabetical order, addresses and telephone numbers of the directors and, in a separate listing, officers of the applicant. As to each director and officer, the number of shares held of record as of the application date or beneficially of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which bear voting rights must be disclosed.

(j) The names, in alphabetical order, addresses and telephone numbers of each record holder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. As to each holder of shares or units, the number and class or type of shares or units must be disclosed.

(k) Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and securities and exchange commission rules and regulations have been met in connection with issuance of applicant's securities, and copies of most recent registration statement and annual report filed with the securities and exchange commission.

(l) Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation have been met, and a copy of most recent registration statement filed with the securities regulator in that jurisdiction.

(m) Whether the securities registration and filing requirements of the state of Washington have been met. If they have not, the applicant must disclose the reasons why. The applicant must provide copies of all securities filing with the Washington department of licensing securities division during the past five years.

(4) If the applicant is an organization other than a corporation:

(a) The applicant's full name and any trade names currently used by the applicant.

(b) Jurisdiction of organization of the applicant.

(c) Date the applicant commenced doing business in Washington.

(d) Copies of any agreements creating or governing the applicant's organization and the applicant's state and federal tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) Names, in alphabetical order, addresses, and telephone numbers of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, including options, or other voting interest, whether absolute or contingent, in the applicant.

(g) Names, in alphabetical order, addresses and telephone numbers of any individual or other entity holding a record or beneficial ownership interest, including options, as of the date of the application or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest.

(5) If a nonindividual record or beneficial holder of an ownership or other voting interest of one percent or more in the applicant is identified pursuant to subsection (3)(i) or (j), or (4)(f) or (g) of this section, the applicant must make its best effort, as defined above, to disclose the information required by those clauses as to record or beneficial holders of an ownership or other voting interest of one percent or more in that nonindividual holder. The disclosure required by those clauses must be repeated, in turn, until all indirect individual record and beneficial holders of ownership or other voting interests in applicant are so identified.

(6) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of control.

(7) Any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding applicant's sponsorship or management of horse racing, and copies of any written agreements.

(8) Any agreements or understanding which the applicant has entered into for the payment of fees, rents, salaries, or other compensation by the applicant, and copies of any written agreements.

(9) Whether the applicant, any partner, director, officer, other policymaker, holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant has held or holds a license or permit issued by a governmental authority to own and operate a horse racing facility or conduct any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-200, filed 6/16/86.]

WAC 260-13-210 Disclosure of character information. An applicant for a Class B license must make its best effort, as defined above, to disclose whether the applicant or any individual or other entity identified in WAC 260-13-200 (2) and (3) has:

(1) Been charged in a criminal proceeding with a felony or fraud, misrepresentation, theft, larceny, embezzlement, tax

evasion, robbery, burglary, bribery, extortion, jury tampering, obstruction of justice, perjury, an antitrust violation, or conspiracy to commit any of the foregoing. If so, the applicant must disclose the date charged, court, whether convicted, date convicted, crime convicted of, and sentence.

(2) Been a party in a civil proceeding and alleged to have engaged in an unfair or anticompetitive business practice, a securities violation, or false or misleading advertising. If so, the applicant must disclose the date of commencement, court, circumstances, date of decision, and result.

(3) Had a horse racing, gambling, or other business license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(4) Been accused in an administrative or judicial proceeding of violation of a statute or rule relating to unfair labor practices, discrimination, horse racing, or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(5) Commenced an administrative or judicial action against a governmental regulator of horse racing or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(6) Been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(7) Failed to satisfy any judgment, decree, or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and circumstances.

(8) Been delinquent in filing a tax report required or remitting a tax imposed by any government. If so, the applicant must disclose the date and circumstances.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-210, filed 6/16/86.]

WAC 260-13-220 Disclosure of improvements and equipment. An application for a Class B license must disclose with respect to the facility at which it will sponsor and manage parimutuel horse racing:

(1) The address of the facility at which the applicant will sponsor and manage horse racing, size, and geographical location, including reference to county and municipal boundaries.

(2) A site map which reflects current and proposed highways and streets adjacent to the facility.

(3) The types of racing for which the facility is designed, whether thoroughbred, harness, quarter horse, or other.

(4) Racetrack dimensions by circumference, width, banking, location of chutes, length of stretch, distance from judges' stand to first turn and type of surface. If the facility has more than one racetrack, the applicant must provide a description of each.

(5) A description of horse stalls at the facility, giving the dimensions of stalls, separation, location, and total number of stalls.

(6) A description of the grandstand, giving total seating capacity, total reserved seating capacity, indoor and outdoor seating capacity, configuration of grandstand seating and parimutuel and concession facilities within the grandstand;

the number and location of men's and women's restrooms, drinking fountains, and medical facilities available to patrons; and a description of public pedestrian traffic patterns throughout the grandstand.

(7) A description of the detention barn, giving distance from detention barn to track and paddock, number of sampling stalls, placement of viewing ports on each stall, location of postmortem floor, number of wash stalls with hot and cold water and drains and availability of video monitors; and a description of the walking ring.

(8) A description of the paddock, number of stalls in the paddock, height from the floor to lowest point of the stall ceiling and entrance, and paddock public address and telephone services.

(9) A description of the jockeys' and drivers' quarters, giving changing areas, a listing of equipment to be installed in each, and the location of the jockeys' quarters in relation to the paddock.

(10) A description of the parimutuel tote, giving approximate location of bettors' windows and cash security areas; and a description of the equipment, including the provider if known.

(11) A description of the parking, giving detailed attention to access to parking from surrounding streets and highways, number of parking spaces available, distinguishing between public and other; a description of the road surface on parking areas and the distance between parking and the grandstand; and a road map of the area showing the relationship of parking to surrounding streets and highways.

(12) A description of the height, type of construction, and materials of perimeter fence; whether the perimeter fence is topped by a barbed wire apron at least two feet wide and directed outward at a forty-five degree angle; and whether there is a clear zone at least four feet wide around the outside of the entire perimeter fence.

(13) A description of improvements and equipment at the racetrack for security purposes in addition to perimeter fence, including the provider of equipment if known.

(14) A description of starting, timing, photo finish, and photo-patrol or video equipment, including the provider if known.

(15) A description of work areas for the commission members, officers, employees, and agents.

(16) A description of access of the facility to public transportation, specifics of types of transportation and schedules; and a road map of area indicating pick-up and drop-off points.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-220, filed 6/16/86.]

WAC 260-13-230 Disclosure of authorization to use horse racing facility. An applicant for a Class B license must disclose the terms and conditions of the lease or other agreement authorizing the applicant to sponsor and manage parimutuel horse racing at a licensed facility and provide a copy of the agreement.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-230, filed 6/16/86.]

(2007 Ed.)

WAC 260-13-240 Disclosure of financial resources.

An applicant for a Class B license must disclose the following with regard to financial resources:

(1) An audited financial statement reflecting the applicant's current assets, including investments in affiliated entities, loans and advances receivable and fixed assets and current liabilities, including loans and advances payable, long-term debt and equity;

(2) Equity and debt sources of funds to sponsor and manage horse racing:

(a) With respect to each source of equity contribution, identification of the source, amount, form, method of payment, nature and amount of present commitment, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts;

(b) With respect to each source of debt contribution, identification of the source, amount, terms of debt, collateral, identity of guarantors, nature and amount of commitments, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(3) Identification and description of sources of additional funds if needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-240, filed 6/16/86.]

WAC 260-13-250 Disclosure of financial plan.

An applicant for a Class B license must disclose with regard to its financial plan the financial projections for any development period in each of the first or next three racing years, with separate schedules based upon the number of racing days and types of parimutuel betting the applicant requires to break even and the optimum number of racing and types of betting applicant seeks each year. The commission will utilize financial projections in deciding whether to issue Class B licenses. Neither acceptance of a license application nor issuance of a license shall bind the commission as to matters within its discretion, including, but not limited to, assignment of racing days and designation of types of permissible parimutuel pools. The disclosure must include:

- (1) The following assumptions and support for them:
 - (a) The average daily attendance;
 - (b) Average daily per capita handle and average bet;
 - (c) Retainage;
 - (d) Admissions to track, including ticket prices and free admissions;
 - (e) Parking volume, fees, and revenues;
 - (f) Concessions, gift shop, and program sales;
 - (g) Cost of purses;
 - (h) Parimutuel expense;
 - (i) State taxes;
 - (j) Real estate taxes;
 - (k) Breeder fund;
 - (l) Payroll;
 - (m) Operating supplies and services;
 - (n) Utilities;
 - (o) Repairs and maintenance;
 - (p) Insurance;

- (q) Travel expense;
- (r) Membership expense;
- (s) Security expense;
- (t) Legal and audit expense;
- (u) Debt service; and
- (v) Federal taxes;

(2) The following profit and loss elements:

(a) Total revenue, including projected revenues from retainage and breakage, admissions, parking, and concessions, gift, and program operations;

(b) Total operating expenses, including anticipated expenses for:

- (i) Purses;
- (ii) Parimutuel;
- (iii) Sales tax;
- (iv) Breakage to state;
- (v) Real estate tax;
- (vi) Admissions tax;
- (vii) Breeder fund;
- (viii) Special assessments;
- (ix) Cost of concession goods, gifts, and programs;
- (x) Advertising and promotion;
- (xi) Payroll;
- (xii) Operating supplies and service;
- (xiii) Maintenance and repairs;
- (xiv) Insurance;
- (xv) Security;
- (xvi) Legal and audit; and
- (xvii) Federal and state income taxes.

(c) Nonoperating expenses, including anticipated expenses for debt service, facility depreciation and identification of method used, and equipment depreciation and identification of method used;

(3) Projected cash flow, including assessment of:

(a) Income, including equity contributions, debt contributions, interest income, operating revenue; and

(b) Disbursements, including land, improvements, equipment, debt service, operating expense, organizational expense; and

(4) Projected balance sheets as of the end of the development period and three racing years setting forth current, fixed, and other noncurrent assets; current and long-term liabilities; and capital accounts.

An applicant must also disclose an accountant's review report of the financial projections.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-250, filed 6/16/86.]

WAC 260-13-260 Disclosure of governmental actions. An applicant for a Class B license must disclose with regard to actions of government agencies:

(1) If the applicant has obtained any required government approvals for its management and sponsorship of horse racing:

(a) A description of the approval, unit of government and date, and documentation.

(b) Whether public hearings were held. If they were, the applicant must disclose when and where the hearings were conducted. If they were not held, the applicant must disclose why they were not held.

(c) Whether the unit of government attached any conditions to approval. If so, the applicant must disclose these conditions, including documentation.

(2) Whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval, and estimated date.

(3) Whether the applicant is in compliance with all statutes, charter provisions, ordinances, and regulations pertaining to the sponsorship and management of horse racing. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-260, filed 6/16/86.]

WAC 260-13-270 Disclosure of management. An applicant for a Class B license must disclose with regard to its management of parimutuel horse racing:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function; job descriptions and qualifications for each management position; and a copy of the organization chart;

(2) Management personnel to the extent known with respect to each:

- (a) Legal name, aliases, and previous names;
- (b) Current residence and business addresses and telephone numbers;
- (c) Qualifications and experience in the following areas:
 - (i) General business;
 - (ii) Marketing, promotion, and advertising;
 - (iii) Finance and accounting;
 - (iv) Horse racing;
 - (v) Parimutuel betting;
 - (vi) Security;
 - (vii) Human and animal health and safety; and
- (d) Description of the terms and conditions of employment, and a copy of the agreement;

(3) Consultants and other contractors to extent known who have provided or will provide management-related services to applicant and with respect to each:

- (a) Full name;
- (b) Current address and telephone number;
- (c) Nature of services;
- (d) Qualifications and experience;
- (e) Description of terms and conditions of any contractor's agreement, and a copy of the agreement;

(4) Memberships of the applicant, management personnel, and consultants in horse racing organizations;

(5) A description of the applicant's security plan, including:

(a) Number and deployment of security personnel used by applicant during a race meeting; security staff levels; and deployment at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses, and cash room;

(c) Specific plans to discover persons at the horse racing facility who have been convicted of a felony, had a license suspended, revoked, or denied by the commission or by the horse racing authority of another jurisdiction, or are a threat to the integrity of racing in Washington;

(d) Description of video monitoring equipment and its use;

(e) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(f) Coordination of security with law enforcement agencies;

(6) A description of applicant's plans for human and animal health and safety, including emergencies;

(7) A description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

(9) A description of applicant's plan for purses, including total purses, formula, minimum, stakes races, and purse-handling procedures;

(10) A description of the applicant's plan for parimutuel betting, including number of line divisions, windows, selling machines, and clerks; use or duties of each; and accounting procedures, including its proposed system of internal audit and supervisory controls;

(11) A description of the applicant's plan for concessions, including whether licensee will operate concessions and, if not, who will to the extent known;

(12) A description of training of the applicant's personnel; and

(13) A description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of equal employment opportunity statement and policy of the applicant dated and signed by chief executive officer; a copy of affirmative action policy and procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-270, filed 6/16/86.]

WAC 260-13-280 Disclosure of public service. An applicant for a Class B license must disclose its plans for promotion of the orderly growth of horse racing in Washington and education of the public with respect to horse racing and parimutuel betting.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-280, filed 6/16/86.]

WAC 260-13-290 Disclosure of economic impact. An applicant for a Class B license must disclose the economic impact of its sponsorship and management of horse racing, including:

(1) Employment created, including specifics as to number of jobs, permanent or temporary, type of work, compensation, employer, and how created;

(2) Purchases of goods and services, including specifics as to money amounts and types of purchases; and

(3) Tax revenues generated.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-290, filed 6/16/86.]

(2007 Ed.)

WAC 260-13-300 Disclosure of public support and opposition. An applicant for a Class B license must disclose public support and opposition, whether by a governmental official, agency, private individual, or group, and provide documentation.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-300, filed 6/16/86.]

WAC 260-13-310 Effects on competition. An applicant for a Class B license must disclose the effects of its sponsorship and management of horse racing on competitors within the horse racing industry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-310, filed 6/16/86.]

WAC 260-13-320 Disclosure of assistance in preparation of application. An applicant for a Class B license must disclose the names, addresses, and telephone numbers of individuals who assisted applicant in preparation of its application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-320, filed 6/16/86.]

WAC 260-13-330 Personal information and authorization for release. In an application for a Class B license the applicant must make its best effort, as defined in WAC 260-13-030(5), to include the following with respect to each individual identified pursuant to WAC 260-13-200 as an applicant, partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant and each individual identified in WAC 260-13-200:

(1) Full name, business and residence addresses, and telephone numbers, last five residence addresses, date of birth, place of birth, Social Security number, if the individual is willing to provide it, and two references; and

(2) An authorization for release of personal information, on a form prepared by the commission, signed by the individual and providing that he or she:

(a) Authorizes a review by and full disclosure to an agent of the Washington state patrol of all records concerning the individual, whether the records are public, nonpublic, private, or confidential;

(b) Recognizes the information reviewed or disclosed may be used by the state of Washington, its employers, the commission, members, staff and agents to determine the signer's qualifications for a Class B license; and

(c) Releases authorized providers and users of the information from any liability under state or federal data privacy law.

(3) This rule will not apply to information that properly comes within privileges recognized by the law such as between attorney and client.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-330, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-330, filed 6/16/86.]

WAC 260-13-340 Class B license criteria. The commission may refuse to issue a Class B license to conduct a

race meeting when in its judgment such refusal shall appear to be for the best interest of legitimate racing and of the public. In making this determination, the commission must consider the following factors and indices:

(1) The integrity of the applicant, its partners, directors, officers, policymakers, managers, and holders of ownership or other voting interests or control, including:

- (a) Criminal records;
- (b) Involvement in litigation over business practices;
- (c) Involvement in disciplinary actions over a business license or permit or refusal to renew a license or permit;
- (d) Involvement in proceedings in which unfair labor practices, discrimination, or government regulation of horse racing or gambling was an issue;
- (e) Involvement in bankruptcy proceedings;
- (f) Failure to satisfy judgments, orders, or decrees;
- (g) Delinquency in filing of tax reports or remitting taxes;
- (h) Any other indices related to integrity which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants;

(2) The types and variety of parimutuel horse racing which applicant will offer;

(3) The quality of physical improvements and equipment applicant will use, including:

- (a) Racetrack or tracks;
- (b) Stabling;
- (c) Grandstand;
- (d) Detention barn;
- (e) Paddock;
- (f) Jockeys' and drivers' quarters;
- (g) Parimutuel tote;
- (h) Parking;
- (i) Access by road and public transportation;
- (j) Perimeter fence;
- (k) Other security improvements and equipment;
- (l) Starting, timing, photo finish, and photo-patrol or video equipment;
- (m) Commission work areas; and
- (n) Any other indices related to quality which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants;

(4) Financial ability to sponsor and manage parimutuel horse racing facility successfully, including:

- (a) Ownership and control structure;
- (b) Terms and conditions of the applicant's authorization to use facility;
- (c) Current financial condition;
- (d) Sources of equity and debt funds, amounts, terms and conditions, and certainty of commitment;
- (e) Provisions for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other financial adversity;
- (f) Feasibility of financial plan; and
- (g) Any other indices related to financial ability which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(5) Status of necessary government approvals and compliance with applicable statutes, charters, ordinances, and regulations;

(6) Management ability of the applicant, including:

- (a) Qualifications of managers, consultants, and other contractors manage parimutuel horse racing;
 - (b) Security plan;
 - (c) Plans for human and animal health and safety;
 - (d) Marketing, promotion, and advertising plans;
 - (e) Plan for conducting horse racing;
 - (f) Plan for purses;
 - (g) Plan for parimutuel betting;
 - (h) Concessions plan;
 - (i) Plan for training personnel;
 - (j) Equal employment and affirmative action plans; and
 - (k) Any other indices related to management which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;
- (7) Efforts to promote orderly growth of horse racing in Washington and educate public with respect to horse racing and parimutuel betting;
- (8) Economic impact, including employment, purchases, and taxes;
- (9) Extent of public support and opposition; and
- (10) Effects on competition, including:

(a) Number, nature, and relative location of other Class B licenses;

(b) Minimum and optimum number of racing days sought by the applicant; and

(c) Any other indices related to effects on competition which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants.

The commission also must consider any other information which the applicant discloses and is relevant and helpful to a proper determination by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-340, filed 6/16/86.]

CLASS A AND B LICENSES

WAC 260-13-350 Class A and B license application disclosures. An applicant for a Class A or B license in its disclosures must:

(1) Provide disclosures in printed or typewritten form on 8-1/2 by 11 inch paper. Immediately preceding each response, an applicant must restate what disclosure is sought. Any attachments or exhibits must be lettered or numbered separately. An applicant must provide photographs of any three-dimensional exhibits.

(2) Make its best effort, as defined above, to provide all information required to be disclosed.

(3) Provide only information relevant to disclosures requested by the commission.

(4) Upon request of the commission or its agents, provide copies of any documents used in the preparation of its application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-350, filed 6/16/86.]

WAC 260-13-360 Class A and B license application submission. An applicant for a Class A or B license must submit to the executive secretary of the racing commission:

(1) All documents which are part of its application as a single assemblage; and

(2) A letter of transmittal to the commission and, in sealed envelopes, an original and twenty copies of the application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-360, filed 6/16/86.]

WAC 260-13-370 Investigation fee for Class A and B licenses. An applicant for a Class A or B license must submit to the commission's designee at the time of application a certified check or bank draft to the order of the state of Washington in the amount of fifty thousand dollars to cover the costs of the investigation mandated by these rules. Upon completion of the investigation, the commission must refund promptly to the applicant any amount by which the fifty thousand dollars exceeds the actual costs of investigation. If costs of the investigation at any time exceed fifty thousand dollars, the applicant must remit the amount of the difference by certified check or bank draft within ten days after receipt of a bill from the commission. Should an applicant fail to pay additional amounts when billed, the commission shall suspend all further action or investigation on the application until receipt of all monies due and owing. The commission may, at its discretion require an additional amount by way of deposit if necessary to complete its investigation. An individual or other entity applying for Class A and B licenses simultaneously must submit only one fifty thousand dollar investigation fee.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-370, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-370, filed 6/16/86.]

WAC 260-13-380 Clarification of Class A and B license application requirements. The commission must designate an individual who will clarify Class A and B license application requirements upon the oral or written request of a potential applicant. The designee must respond to clarification requests in writing within five days. No interpretation of application requirements by any other person will be binding upon the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-380, filed 6/16/86.]

WAC 260-13-390 Changes in Class A and B license applications. The commission may only consider a substantive amendment to a Class A or B license application after its submission if such amendment is made at the direction of the commission and/or is deemed by the commission to be in the best interests of the racing industry.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-390, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-390, filed 6/16/86.]

WAC 260-13-400 Deadlines for submission of Class A and B license applications. Deadlines for submission of a Class A or B license application may be specified by the commission.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-400, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-400, filed 6/16/86.]

(2007 Ed.)

WAC 260-13-410 Oral presentation by applicant for a Class A or B license. The commission must provide an applicant for a Class A or B license an opportunity to make an oral presentation of its application to the commission before the commission decides whether to issue a license. This part does not require that the commission afford an applicant more than one opportunity to make an oral presentation before the commission makes its decision.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-410, filed 6/16/86.]

WAC 260-13-420 Payment of Class A and B license fees. A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Washington equal to two hundred dollars times the optimum number of racing days sought in the license application and is void if the license fee is not received within ten days after issuance.

The commission must refund promptly to the licensee any amount by which the fee paid exceeds two hundred dollars times the number of actual days of racing sponsored and managed by the licensee.

[Statutory Authority: RCW 67.16.020. 03-11-015, § 260-13-420, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-420, filed 6/16/86.]

WAC 260-13-430 Class A and B license application information. False or misleading information in a Class A or B license application, omission of required information, or substantial deviation from representations in the application is cause for denial, revocation, or suspension of a license or imposition of a fine.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-430, filed 6/16/86.]

WAC 260-13-440 Delay in completion of racetrack facility. Failure of a Class A or B licensee to complete substantially the construction of its racetrack facility and installation of equipment within thirty days after the completion date stated in its license application is cause for revocation or suspension of the license, and the commission may impose a penalty of one thousand dollars on the licensee for each day of delay. The penalty does not apply if and to the extent the licensee proves that the delay arose out of causes beyond the control and without the fault or negligence of the licensee, its contractors and subcontractors. Such causes may include, but are not restricted to, acts of God or enemies of the United States, acts of government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the delay must be beyond the control and without fault or negligence of the licensee, its contractors and subcontractors. If the cause of delay is the default of a contractor or subcontractor and if the licensee proves the default arose out of causes beyond the control of the licensee, its contractors and subcontractors, the above penalty may not be imposed for the delay unless the supplies or services to be furnished by contractor or subcontractor were obtainable from other sources in sufficient time to permit the licensee to meet the completion date.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-440, filed 6/16/86.]

WAC 260-13-450 Construction, expansion, extension, alteration, or remodeling of facilities. No Class A or B licensee may construct, expand, extend, or alter, or remodel a racetrack facility at a cost in excess of ten thousand dollars without the approval of the commission. Failure to obtain approval is cause for revocation or suspension of a license or imposition of a fine.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-450, filed 6/16/86.]

WAC 260-13-460 Identification of applicant for Class C license. An application for a Class C license must include, on a form prepared by the commission, the name, address, telephone number of the applicant and the name, position, address, telephone number, and authorized signature of an individual to whom the commission may make inquiry.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-460, filed 10/16/86.]

WAC 260-13-470 Applicant's affidavit. An application for a Class C license must include, on a form prepared by the commission, an affidavit of the applicant or director of racing, setting forth:

(1) That application is made for a Class C license to sponsor and manage horse racing at which pari-mutuel betting is conducted. The Class C license is granted directly to the licensee who will have the responsibility for operating a nonprofit race meet or special fair meet.

(2) That affiant is the agent of the applicant, its owners, partners, members, directors, officers, and personnel and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached.

(3) That the applicant seeks a grant of a privilege from the state of Washington and the burden of proving the applicant's qualifications rests at all times with the applicant.

(4) That the applicant consents to inquiries by the state of Washington, its employees, the commission members, staff, and agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations.

(5) That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the state of Washington, its employees, the commission, staff, or agents.

(6) That affiant has read the applicant's identification and disclosures and knows the contents; the contents are true to affiant's own knowledge, except matters therein stated on information and belief; as to those matters, affiant believes them to be true.

(7) That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information or significant deviation from representations in the appli-

cation may result in denial, revocation, or suspension of a license or imposition of a fine.

(8) That the applicant will comply with chapter 67.16 RCW and all rules of the commission.

(9) Affiant's signature, name, organization, position, address, and telephone number.

(10) The date.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-470, filed 10/16/86.]

WAC 260-13-480 Other requirements for Class C license. An application for a Class C license must include a short and concise statement providing the information required under WAC 260-13-030 through 260-13-160. If information of a more detailed nature is necessary for consideration of the application, a request for it will be made by the executive secretary of the commission and the request must be complied with.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-480, filed 10/16/86.]

WAC 260-13-490 Class C license criteria. The Class C criteria shall be the same as for Class A license or Class B license set forth in WAC 260-13-170 and 260-13-340.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-490, filed 10/16/86.]

Chapter 260-14 WAC

SPECIAL RULES RELATING TO COMMISSIONERS AND COMMISSION EMPLOYEES

WAC

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| 260-14-010 | Definitions. |
| 260-14-020 | Prohibited acts. |
| 260-14-030 | Ownership interest in associations. |
| 260-14-040 | Wagering. |
| 260-14-050 | Ownership interests in race horses. |
| 260-14-060 | Performance of compensated services on behalf of associations. |
| 260-14-070 | Violations. |

WAC 260-14-010 Definitions. For the purposes of chapter 260-14 WAC, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Commissioner," shall mean any member of the Washington state horse racing commission, and any member of the immediate family of such commissioner.

(2) "Employee," shall mean any full or part time employee of the commission not normally engaged in direct regulatory functions. Included in such group are the executive secretary, Olympia office personnel, and registration clerks.

(3) "Regulatory employee," shall include all of the officials named in WAC 260-24-010 and any other employee engaged in direct regulatory functions.

(4) "Thing of economic value," shall have the same meaning as that term has in chapter 42.52 RCW.

[Statutory Authority: RCW 67.16.020. 04-05-090, § 260-14-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 83-19-054 (Order 83-04), § 260-14-010, filed 9/19/83; Order 73.3, § 260-14-010, filed 6/28/73.]

WAC 260-14-020 Prohibited acts. No commissioner, employee or regulatory employee shall accept any thing of economic value from any association except as set forth in these rules.

[Order 73.3, § 260-14-020, filed 6/28/73.]

WAC 260-14-030 Ownership interest in associations.

(1) No employee or commissioner during his term of office, shall acquire any ownership interest in any association which seeks race meet dates. Any ownership interest in any such association owned prior to such membership on the commission or employment by the commission shall be disposed of within thirty days of the time such employee or commissioner accepts employment or takes office unless the commissioner or employee elects to place such ownership in a trust for the duration of his term of office or employment. In such case, said employee, or commissioner shall place such ownership interest in a trust approved by the commission, such trust to provide that any dividends or other profit distribution shall redound to the benefit of a charitable purpose approved by the commission, and that no ownership interest shall be returned to such commissioner or employee at the expiration of such trust unless an amount equal to any increment in value which may have occurred during such trust shall be paid by the commissioner or employee to a charity approved by the commission. In determining whether an increment in value has occurred the trust instrument may provide that a normal rate of interest on the ownership interest, had it been reduced to cash, need not be included in ascertaining such increment.

(2) No regulatory employee shall have an ownership interest in any association conducting a race meeting at which he is employed by the commission.

(3) Copies of any trust agreement by which a commissioner or employee retains an interest or potential interest in an association shall be filed with the commission and maintained in a separate file in the Olympia offices of said commission. Such file shall be open and available for public inspection during regular office hours of the commission.

[Order 73.3, § 260-14-030, filed 6/28/73.]

WAC 260-14-040 Wagering. (1) No commission employee shall make any wager at a facility under the jurisdiction of the commission.

(2) No commission employee shall make any wager on the outcome of any horse race at a meeting under the jurisdiction of the commission. Commission employee means both regulatory employee and employee as defined in WAC 260-14-010.

(3) No commissioner shall make any wager on the outcome of any horse race at a meeting under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-14-040, filed 10/18/04, effective 11/18/04; Order 73.3, § 260-14-040, filed 6/28/73.]

WAC 260-14-050 Ownership interests in race horses.

(1) No regulatory employee or employee shall have any ownership interest in any race horse running at any race meet under the jurisdiction of the commission.

(2007 Ed.)

(2) No commissioner shall have any ownership interest in any race horse running at any race meet under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020. 04-19-046, § 260-14-050, filed 9/13/04, effective 10/14/04; Order 75.2, § 260-14-050, filed 4/17/75; Order 73.3, § 260-14-050, filed 6/28/73.]

WAC 260-14-060 Performance of compensated services on behalf of associations. (1) No commissioner or employee of the commission shall receive any compensation whatsoever for any services performed for or on behalf of an association.

(2) No regulatory employee shall receive any compensation from an association for services performed during a race meet for which he is employed by the commission.

(3) Nothing in this rule shall be deemed to prohibit the performance of such services by a regulatory employee either before or after a race meet if authorization in writing is granted by the commission prior to the time any services for which compensation may be reasonably expected are performed. Such authorization may be obtained only in accordance with subparagraph (4) hereof.

(4) Upon receiving a request to perform services for which compensation shall be due for or on behalf of an association by a regulatory employee or an association or both, the executive secretary shall investigate and determine whether the performance of such services is bona fide. If he determines that the performance of such services is bona fide and that the compensation to be paid therefor is reasonably related to the performance of such services, he may authorize in writing such services to be performed pending final action by the commission. Should the commission later determine that the executive secretary was in error in granting such authorization, it shall promptly notify the regulatory employee and the association and such services shall thereupon immediately cease and no compensation may be paid such regulatory employee for services performed after such notification.

(5) Copies of written authorizations issued pursuant to this section shall be maintained in a separate file in the offices of the commission in Olympia, Washington, and shall be open and available for public inspection during regular office hours of said commission.

[Order 73.3, § 260-14-060, filed 6/28/73.]

WAC 260-14-070 Violations. (1) Any wilful violation of any of the foregoing rules by any commissioner shall be deemed to be official misconduct in office and shall be reported to the governor for appropriate action.

(2) Any wilful violation by any employee or regulatory employee shall be deemed to be misconduct and shall be grounds for immediate discharge. In the event that such violation occurs between race meets by an employee normally employed for the duration of a race meet, such employee shall be deemed to be ineligible for employment by the commission at the pertinent race meet for a period of at least one year.

[Order 73.3, § 260-14-070, filed 6/28/73.]

Chapter 260-16 WAC
SPECIAL TYPES OF RACES

WAC

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| 260-16-010 | Harness racing. |
| 260-16-020 | Quarter horse racing. |
| 260-16-030 | Produce races. |
| 260-16-040 | Washington-bred horses. |
| 260-16-050 | Certification of Washington-bred horses. |
| 260-16-060 | Certification of Washington-bred horses—Thoroughbreds. |
| 260-16-065 | Washington bred owners bonus distribution formula. |
| 260-16-070 | Racing commission funds. |
| 260-16-080 | Certification of Washington-bred horses—Standardbreds. |
| 260-16-090 | Arabian horses—Certification. |

WAC 260-16-010 Harness racing. Harness racing, when conducted by licensees of the Washington horse racing commission shall be conducted in accordance with the rules and regulations of one of the recognized trotting associations. The racing commission reserves the right to refuse a license to any person or association proposing to hold a race meeting under rules and regulations not satisfactory to the racing commission. Persons and horses ruled off under authority of any recognized trotting association shall stand ruled off the courses licensed by the Washington horse racing commission.

[Rules of racing, § 29, filed 4/21/61.]

WAC 260-16-020 Quarter horse racing. The official stud book and registry of the American Quarter Horse Association shall be recognized as the sole official registry for American quarter horses.

The rules of the commission govern quarter horse racing wherever they are applicable. When not applicable the stewards may enforce rules of the American Quarter Horse Association, so long as they are not inconsistent with the rules of the commission.

[Rules of racing, § 30, filed 4/21/61.]

WAC 260-16-030 Produce races. (1) In making an entry for a produce race, the produce is entered by specifying the dam and the sire or sires.

(2) If the produce of a mare is foaled before the 1st of January, or if there is no produce, or if the produce is dead when dropped, or if twins are foaled, the entry of such mare is void.

(3) In produce races, allowances for the produce of untried horses must be claimed before the time of closing, and are not lost by subsequent winnings.

[Rules of racing, §§ 207, 208, 209, filed 4/21/61.]

WAC 260-16-040 Washington-bred horses. For the purpose of encouraging the breeding within this state, of valuable thoroughbred race horses, at least one race of each day's meeting shall consist exclusively of Washington-bred horses. If sufficient competition cannot be had among such class of horses, said race may be eliminated for said day and a substitute race, also for Washington-bred horses, provided instead. (Section 8, chapter 55, Laws of 1933.)

Proof that horses entered in such races were bred in Washington rests with the owner. Certificate of registration or the evidence of a breeder or other responsible person will

be accepted. Affidavits may be demanded at the discretion of the stewards.

Eligibility for the owners bonus and the breeder awards under RCW 67.16.075, 67.16.102, and 67.16.175 are provided for in WAC 260-16-060.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-040, filed 10/16/86; Rules of racing, § 320, filed 4/21/61.]

WAC 260-16-050 Certification of Washington-bred horses. (1) For purposes of the distribution of the owners bonus and breeder awards, a Washington-bred horse is one that meets the following requirements:

(a) The horse was foaled within the boundaries of the state of Washington; and

(b) It is officially certified by the associations designated by the racing commission.

(2) The following associations presently comprised of a majority of owners and/or breeders of their respective breeds in the state of Washington are recognized by the racing commission for the purpose of certification of Washington-bred horses for the distribution of the owners bonus and breeder awards provided for in RCW 67.16.075 and 67.16.102:

(a) The Washington Thoroughbred Breeders Association, for thoroughbreds;

(b) The Washington State Standardbred Association, for standardbred harness horses;

(c) The Northern Racing Quarter Horse Association, for quarter horses;

(d) The Washington State Appaloosa Racing Association, for appaloosas;

(e) The Washington State Arabian Horse Racing Association, for Arabian horses; and

(f) The Washington State Paint Horse Association, for paint horses.

(3) The racing commission may determine that other organizations should participate in the certification process if the organization is one that represents a majority of the owners and/or the breeders and, it is deemed to be in the best interests of racing. For other breeds specified in the racing act, organizations may present to the racing commission documentation that they represent a majority of the owners and/or the breeders.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-050, filed 10/16/86.]

WAC 260-16-060 Certification of Washington-bred horses—Thoroughbreds. (1) Certification of thoroughbreds foaled prior to 1987 shall be as follows:

(a) All thoroughbreds foaled prior to the year 1987 shall be certified Washington-breds provided (i) that the horse was foaled within the boundaries of the state of Washington; and (ii) that the jockey club certificate of foal registration shall state that said foal was foaled in the state of Washington.

(2) Certification of thoroughbreds foaled in 1987 and thereafter shall, contingent on funding being provided by the legislature, be as follows:

(a) All thoroughbreds foaled in 1987 and thereafter shall be certified Washington-breds provided (i) that the horse was foaled within the boundaries of the state of Washington; (ii) that the jockey club certificate of foal registration shall state

that said horse was foaled in the state of Washington; and (iii) that the jockey club certificate of foal registration shall have affixed to it the certification stamp or seal of the Washington Horse Breeders Association. Said certification stamp or seal shall be affixed to each foal's jockey club certificate of foal registration only after the owner or breeder of a foal shall make application to the Washington Horse Breeders Association for certification as a Washington-bred and said association shall complete the certification process.

(b) Applications for certification of Washington-breds shall be processed by the Washington Horse Breeders Association at a cost of seventy-five dollars per foal, which cost shall be paid to the association by the Washington horse racing commission. If said application shall be filed prior to September 30 of the foals' weanling year, there shall be no additional cost to the owner or breeder.

(c) Applications for certification of Washington-breds made after September 30 of the foal's weanling year or prior to September 30 of the foal's yearling year shall be processed at an additional cost of twenty-five dollars, which cost shall be paid to the association by the owner or breeder of the foal at the time of filing the application.

(d) Applications for certification of Washington-breds made after September 30 of the foal's yearling year or prior to January 1 of the foal's two year old year shall be processed at an additional cost of seventy-five dollars, which cost shall be paid to the association by the owner or breeder of said foal at the time of filing the application.

(e) Applications for certification of Washington-breds made after January 1 of the foals's two year old year and prior to January 1 of the foal's three year old year shall be processed at an additional cost of one hundred fifty dollars, which cost shall be paid to the association by the owner or breeder of said foal at the time of filing the application.

(f) Applications for certification of Washington-breds made after January 1 of the foal's three year old year shall be precluded and such foals shall be ineligible for certification as Washington-breds.

(3) It shall be the responsibility of the owner or breeder to ensure that all Washington-breds he or she owns or has bred are certified pursuant to the standards established by the Washington horse racing commission.

(4) Owners and breeders of thoroughbreds foaled in 1987 and thereafter shall be precluded from receiving any owners bonus or breeder awards based on the race earnings of said foals prior to their certification as a Washington-bred.

(5) Owners and breeders of certified Washington-breds foaled in 1987 and thereafter who shall receive an owners bonus or breeder awards shall refund to the Washington horse racing commission any amount so received in the event it is later determined that any information provided to the association during the certification process which formed the basis for certification as a Washington-bred was incorrect or false.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-060, filed 10/16/86.]

WAC 260-16-065 Washington bred owners bonus distribution formula. The one percent Washington bred owners bonus funds shall be collected and distributed as required in RCW 67.16.102. The one percent owners bonus

funds collected from each licensee shall be paid in accordance with RCW 67.16.102 at the end of the race meet to the licensed owners of Washington bred horses finishing first, second, third and fourth in the licensee's race meet. The formula for the equitable distribution of the one percent Washington bred owners bonus funds shall be as follows:

(1) Calculate the payment factor by dividing the total one percent Washington bred owners bonus funds collected at the race meet by the total amount of winnings (earnings) of the Washington bred horses finishing first, second, third, and fourth in the race meet.

(2) Multiply the winnings (earnings) of each Washington bred owner by the payment factor to determine the amount of the one percent Washington bred owner's bonus to be paid to the owner.

[Statutory Authority: RCW 67.16.020 and 67.16.102. 04-05-091, § 260-16-065, filed 2/18/04, effective 3/20/04.]

WAC 260-16-070 Racing commission funds. Racing commission funds generated through parimutuel handle by a particular breed shall not be used for certification of any other breed.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-070, filed 10/16/86.]

WAC 260-16-080 Certification of Washington-bred horses—Standardbreds. (1) Certification of standardbreds foaled prior to 1987 shall be as follows:

(a) All standardbreds foaled prior the year 1987 shall be certified as Washington-breds provided that (i) the horse was foaled within the boundaries of the state of Washington; (ii) the United States Trotting Association Registration Certificate shall state that said foal was foaled in the state of Washington; and, (iii) the Washington State Standardbred Association Certificate of Washington-bred has been issued for said horse.

(b) Application for certification shall be made by the owner (registered as such by the United States Trotting Association) of the standardbred to be certified as Washington-bred, at a cost of twenty-five dollars to said owner. The application fee shall accompany the application.

(c) Application for certification shall be made no later than twelve months from the effective date of these rules or thirty days prior to racing, whichever is sooner.

(2) Certification of standardbreds foaled in 1987 and thereafter shall, contingent on funding being provided by the legislature, be as follows:

(a) All standardbreds foaled in 1987 and thereafter shall be certified Washington-breds provided that (i) the horse was foaled within the boundaries of the state of Washington; (ii) the United States trotting association registration certificate shall state that said foal was foaled in the state of Washington; and (iii) that the Washington State Standardbred Association Certificate of Washington-bred has been issued for said horse.

Said certificate shall be issued only after the owner or breeder of a foal shall have made application to the Washington State Standardbred Association for certification as a Washington-bred, and said association shall have completed the certification process.

(b) Applications for certification of Washington-breds shall be processed by the Washington State Standardbred Association at a cost of seventy-five dollars per foal, which cost shall be paid to the association by the Washington horse racing commission. If said application shall be filed prior to December 31st of the year of foaling, then there shall be no additional cost to the owner or breeder.

(c) Applications for certification of Washington-breds made after December 31st of the year of foaling, but prior to May 15th of the foal's yearling year, shall be processed at an additional cost of twenty-five dollars, which cost shall be paid to the association by the applicant at the time of filing the application.

(d) Applications for certification of Washington-breds made after May 15th of the foal's yearling year but no later than December 31st of the foal's yearling year shall be processed at an additional cost of seventy-five dollars, which cost shall be paid to the association by the applicant at the time of filing the application.

(e) After December 31st of the foal's yearling year, no application can be made for certification of a Washington-bred, and further, any such foal not previously registered shall be ineligible for certification as a Washington-bred.

(3) It shall be the responsibility of the owner to ensure that all Washington-breds so owned are certified pursuant to the process of certification established by the Washington State Standardbred Association. In the event the owner does not certify the Washington-bred foal in a timely manner, then the breeder may, at its option, make application for, and receive certification of said foal as a Washington-bred. However, said application must be made no later than December 31st of the foal's yearling year.

(4) Owners and breeders of standardbreds foaled in 1987, and thereafter, shall be precluded from receiving any owners bonus or breeders award based on the race earnings of said foals prior to certification of said foals as Washington-breds.

(5) Owners and breeders of certified Washington-breds foaled in 1986, and thereafter, who shall receive an owners bonus, or breeders award, shall refund to the Washington horse racing commission any amount so received, in the event it is later determined that any information provided to the association during the certification process which formed the basis for certification as a Washington-bred, was incorrect or untrue.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-080, filed 10/16/86.]

WAC 260-16-090 Arabian horses—Certification. (1)

Certification of Arabian horses shall be as follows: The breeder or owner of an Arabian horse shall apply to the Washington State Arabian Horse Racing Association (WSAHRA) for such certification. Forms will be provided by the WSAHRA for the applicant to complete and return to WSAHRA. These include a form to be completed by the owner or manager (or an authorized agent of the owner or manager) of the farm on which the horse was foaled, and a form to be completed by the current owner of the horse.

(2) Certification of Arabian horses foaled in 1987 or before shall be as follows: Arabian horses foaled in Washington in 1987 or before shall be certified as "Washington-

bred" by the WSAHRA when application for such certification has been approved by the WSAHRA, and provided that the completed application forms are accompanied by a fee of ten dollars per horse and are received by the WSAHRA by December 31, 1988. No applications for certification of horses born in 1987 or before shall be accepted after December 31, 1988.

(3) Certification of Arabian horses foaled in 1988 or thereafter shall be as follows: Arabian horses foaled in Washington in 1988 or thereafter shall be certified as "Washington-bred" by the WSAHRA for a fee of ten dollars, provided that the completed application forms and proper fees for such certification are received by the WSAHRA by December 31 of the year in which they are foaled.

If such application forms or fees for certification are received by the WSAHRA after December 31 of the year they are foaled, but by December 31 of the year after the horse is foaled, then there will be a charge of fifty dollars for such certification. However, no application for certification will be accepted beyond December 31 of the year after the horse is foaled.

[Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-16-090, filed 2/24/88.]

Chapter 260-20 WAC

ASSOCIATION GROUNDS AND FACILITIES

WAC

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| 260-20-010 | Duty to maintain race track. |
| 260-20-020 | Duty of commission employees relative to health, safety, and order. |
| 260-20-030 | Fire prevention. |
| 260-20-040 | Credentials for admission to grounds, stables, and enclosures. |
| 260-20-050 | Badges and passes. |
| 260-20-060 | Unauthorized persons—Exclusion from stables. |
| 260-20-070 | Unauthorized persons—Exclusion from paddock. |
| 260-20-075 | Firearms prohibited on association grounds. |
| 260-20-090 | Associations to maintain police and watchman service—List. |
| 260-20-100 | Responsibility of police and watchmen—Letter of instructions. |
| 260-20-110 | Stable enclosures—Fencing—Admission to. |
| 260-20-120 | Report by bureau or security officer of arrests and bookings. |
| 260-20-130 | Report by officer in charge of night force. |
| 260-20-140 | Electric timing apparatus. |
| 260-20-150 | Patron gates. |
| 260-20-160 | Ambulances. |
| 260-20-170 | First-aid equipment and personnel. |
| 260-20-180 | Sanitary facilities for jockeys. |
| 260-20-190 | Living quarters for stable employees. |
| 260-20-200 | Drinking water, toilets, for patrons and invitees. |
| 260-20-210 | Manure and refuse disposal. |
| 260-20-220 | Standard color designations for distance poles. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-20-035 | Nonparimutuel wagering prohibited. [Statutory Authority: RCW 61.16.020 [67.16.020] and 67.16.040. 82-18-050 (Order 82-06), § 260-20-035, filed 8/30/82.] Repealed by 03-11-016, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020. |
| 260-20-080 | Exclusion of certain horses, five years or older. [Rules of racing, § 23, filed 4/21/61.] Repealed by 91-17-074, filed 8/21/91, effective 9/21/91. Statutory Authority: RCW 67.16.040. |

WAC 260-20-010 Duty to maintain race track. Racing associations shall at all times maintain their race tracks in

good condition and with a special consideration for the comfort and safety of the public, of the horses stabled, exercising or entered to race thereat, and of all whose business requires their attendance thereat; and to this end shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

[Rules of racing, § 335, filed 4/21/61.]

WAC 260-20-020 Duty of commission employees relative to health, safety, and order. Designated employees of the commission shall give his or their attention to matters pertaining to the safety and health of the public; and conveniences provided for it; the traffic conditions, and the order maintained.

[Rules of racing, § 342, filed 4/21/61.]

WAC 260-20-030 Fire prevention. Associations shall make reasonable provisions for fire prevention, protection against fire, and fire suppression within the enclosure. Smoking is prohibited in barns (except tackrooms), stables, sheds, hay sheds, and any area prohibited by state or local law.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-033 (Order 79-05), § 260-20-030, filed 12/17/79; Rules of racing, § 26, filed 4/21/61.]

WAC 260-20-040 Credentials for admission to grounds, stables, and enclosures. No one shall be permitted to enter in or about the grounds, stables or stable enclosures who does not have in his possession a license issued by the commission as owner, trainer, jockey, apprentice, agent, stable foreman, groom, exercise boy, plater, valet or veterinarian, or proper credentials issued by the association, and a full record of these credentials shall [be] compiled and open to inspection at all times.

[Rules of racing, § 339, filed 4/21/61.]

WAC 260-20-050 Badges and passes. No tax free badge or pass may be issued to any horseman, in any capacity, without the approval of the commission; all badges or passes so approved must be recorded in a book kept by the racing secretary and each badge or pass must be numbered and kept in numerical order in the records; the commission shall have the right at all times to inspect such records.

[Rules of racing, § 244, filed 4/21/61.]

WAC 260-20-060 Unauthorized persons—Exclusion from stables. Each racing association shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the stables, excepting those being duly licensed by the commission, or authorized by the association. If the commission finds that the stables of an association are not being properly policed and unauthorized persons are found in and around the stables, the association may be fined an amount not exceeding \$200.00, in the discretion of the commission for each day in which the infraction was found to occur.

[Order 73.7, § 260-20-060, filed 12/3/73; Rules of racing, § 21, filed 4/21/61.]

(2007 Ed.)

WAC 260-20-070 Unauthorized persons—Exclusion from paddock. Racing associations shall exclude from the paddock, in the interest of public safety, all those persons who have no immediate business with the horses entered, except members of the commission, their duly assigned representatives and those having special permission from the association.

[Rules of racing, § 22, filed 4/21/61.]

WAC 260-20-075 Firearms prohibited on association grounds. Each racing association shall exclude from its grounds any person found to have firearms in his possession, except security personnel employed by the association or commission and law enforcement officers. Any licensee or permit holder who brings firearms onto the grounds of any racing association, except security personnel and law enforcement officers, may be subject to revocation or suspension of such license or permit, and any other authorized penalty the stewards may deem necessary.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-20-075, filed 3/24/81.]

WAC 260-20-090 Associations to maintain police and watchman service—List. Each association shall maintain and furnish complete police and watchman service night and day in and about all stable enclosures and furnish to the commission each day a complete tabulation list thereof, showing name, duty, place stationed and portions of enclosures supervised by such policeman and watchman.

[Rules of racing, § 336, filed 4/21/61.]

WAC 260-20-100 Responsibility of police and watchmen—Letter of instructions. Watchman and policeman so employed shall be individually responsible for the certain part of the stable enclosure where they are on duty and shall immediately investigate and report the presence of any one during the night or day who may be within said stable enclosure without possessing proper credentials. A letter of instructions to all watchmen and policemen shall be addressed to each of them by the race track association covering fully their duties and their strict obligation to keep stable enclosures free from outsiders and hangers-on, and a copy thereof furnished to the commission.

[Rules of racing, § 337, filed 4/21/61.]

WAC 260-20-110 Stable enclosures—Fencing—Admission to. All such stable enclosures must be properly fenced and admission granted only on proper license or credentials actually shown to the gateman.

[Rules of racing, § 338, filed 4/21/61.]

WAC 260-20-120 Report by bureau or security officer of arrests and bookings. A written report shall be made to the commission daily by the head of the thoroughbred racing protective bureau or security officer if [the] thoroughbred racing protective bureau is not in charge at each race track stating in detail all arrests or persons booked in their office. This report further shall include all persons picked up for drunkenness, touting, disorderly conduct, fraudulent use of badges, or other misdemeanors, giving in

detail the charges together with the names and addresses of such offenders.

[Rules of racing, § 340, filed 4/21/61.]

WAC 260-20-130 Report by officer in charge of night force. A nightly report shall also be given by the officer in charge of the night force stating in detail any disturbances, drunkenness, or disorderly conduct in and about the back stretch and stable area, giving in detail the names, badge numbers, and license numbers of any horsemen committing any offenses whatsoever.

[Rules of racing, § 341, filed 4/21/61.]

WAC 260-20-140 Electric timing apparatus. Where electric timing is used the apparatus must be of a type approved by the commission.

[Rules of racing, § 278, filed 4/21/61.]

WAC 260-20-150 Patron gates. All gates used for admission of patrons must be of a type approved by the commission.

[Rules of racing, § 328, filed 4/21/61.]

WAC 260-20-160 Ambulances. Racing associations shall furnish and maintain both a man ambulance and a horse ambulance each day that their tracks may be opened for racing or exercising horses, equipped and ready for immediate duty.

[Rules of racing, § 329, filed 4/21/61.]

WAC 260-20-170 First-aid equipment and personnel. Each racing association shall equip and maintain at its track temporary facilities with not less than two beds, equipped with such first-aid appliances and material as shall be approved by the commission, and shall provide the attendance of a competent physician and one licensed nurse, registered nurse, or physician's assistant, at the option of the track, thereat during racing hours. A racing association conducting a meet with an average daily handle of one hundred twenty thousand dollars or less may provide at its track a licensed paramedic in lieu of a physician if the services of a competent physician cannot be obtained.

[Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-20-170, filed 2/24/88. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-20-170, filed 7/10/81; Rules of racing, § 330, filed 4/21/61.]

WAC 260-20-180 Sanitary facilities for jockeys. Each racing association shall make such sanitary arrangements as baths, toilets, etc., for the use of jockeys, as may be reasonably required by the commission, the same to be conveniently located on the grounds.

[Rules of racing, § 331, filed 4/21/61.]

WAC 260-20-190 Living quarters for stable employees. Each racing association shall provide adequate and sanitary living quarters, with proper sanitary arrangements pertaining thereto, for stable employees.

[Rules of racing, § 332, filed 4/21/61.]

[Title 260 WAC—p. 30]

WAC 260-20-200 Drinking water, toilets, for patrons and invitees. Each racing association shall on every racing day provide and maintain [in] a strictly sanitary condition such adequate toilets and facilities for furnishing drinking water for its patrons and persons having business at the track, as may be reasonably required by the commission.

[Rules of racing, § 333, filed 4/21/61.]

WAC 260-20-210 Manure and refuse disposal. Each racing association shall provide proper and well located boxes or pits for separately receiving stable manure and other refuse, situated well distant from living quarters, and such boxes and pits shall be emptied and their contents entirely removed from the premises of the association daily, and the area sprayed or dusted for insects each day.

[Rules of racing, § 334, filed 4/21/61.]

WAC 260-20-220 Standard color designations for distance poles. The distance poles shall be as follows:

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| 1/4 Poles | Red and White |
| 1/8 Poles | Green and White |
| 1/16 Poles | Black and White |

[Rules of racing, § 424, filed 3/11/65.]

Chapter 260-24 WAC

ASSOCIATION OFFICIALS AND EMPLOYEES

WAC

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| 260-24-030 | Submittal of roster to commission—Approval—Substitutions. |
| 260-24-500 | Racing officials. |
| 260-24-510 | Stewards. |
| 260-24-520 | Racing secretary. |
| 260-24-530 | Horsemen's bookkeeper. |
| 260-24-540 | Mutuel manager. |
| 260-24-550 | Official veterinarian(s). |
| 260-24-560 | Horse identifier. |
| 260-24-570 | Paddock judge. |
| 260-24-580 | Starter. |
| 260-24-590 | Security director, association. |
| 260-24-600 | Commission security inspector(s). |
| 260-24-610 | Commission auditor. |
| 260-24-620 | Clerk of scales. |
| 260-24-630 | Jockey room supervisor. |
| 260-24-640 | Film analyst. |
| 260-24-650 | Clockers(s). |
| 260-24-660 | Race timer. |
| 260-24-670 | Paddock plater. |
| 260-24-680 | Mutuel inspector. |
| 260-24-690 | Outrider(s). |
| 260-24-700 | Any other person designated by the commission. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-24-010 | Officials enumerated. [Order 75.7, § 260-24-010, filed 4/30/76; Order 75.4, § 260-24-010, filed 9/4/75; Order 73.7, § 260-24-010, filed 12/3/73; Order 72-6, § 260-24-010, filed 10/13/72; Rule 233, filed 1/30/67; Rule 233, filed 8/23/66; Rule 233, filed 5/4/66; Rule 233, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-020 | Officials—Duties—Qualifications. [Order 72-4, § 260-24-020, filed 6/27/72; Rule 234, filed 1/30/67; Rule 234, filed 8/23/66; Rule 234, filed 5/4/66; Rule 234, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-040 | Disqualification for acting at unrecognized meeting. [Rule 235, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |

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| 260-24-050 | Trafficking in horses, contracts, insurance, prohibited. [Rule 236, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-280 | Stewards—Authority to award punishment. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-019 (Resolution No. 87-02), § 260-24-280, filed 7/8/87; 81-08-013 (Order 81-01), § 260-24-280, filed 3/24/81; Order 72-6, § 260-24-280, filed 10/13/72; Rule 259, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-060 | Wagering prohibited. [Rule 237, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-290 | Stewards—Inspection of documents. [Rule 260, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-070 | Duty to report violations of rules. [Rule 238, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-300 | Stewards—Determining disqualifications in case of fouls. [Rule 261, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-080 | Clerk of the scales. [Order 75-1, § 260-24-080, filed 2/18/75; Rule 58, filed 1/30/67; Rules 58 through 63, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-310 | Stewards—Duty hours—Sessions. [Rule 262, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-090 | Handicapper. [Rule 138, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-320 | Stewards—Substitutes. [Rule 263, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-100 | Mutuel manager. [See chapter 260-48 WAC.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-330 | Stewards—Deputies. [Rule 264, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-110 | Paddock judge. [Rules 184, 185, and 186, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-340 | Stewards—Stewards pro tem. [Rule 265, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-120 | Patrol judges. [Rules 200 and 201, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-350 | Stewards—Report of appointment of deputy. [Rule 266, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-130 | Placing judges. [See WAC 260-52-050.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-360 | Stewards—Number in stand during race. [Rule 267, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-140 | Racing secretary—General duties. [Rule 239, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-370 | Stewards—Duty to notice questionable conduct. [Rule 268, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-150 | Racing secretary—Official program for each racing day. [Rules 240 and 241, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-380 | Stewards—Substitution of jockeys. [Rule 289, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-160 | Racing secretary—To keep record of all races. [Rule 242, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-390 | Stewards—Placing horse in the temporary charge of trainer. [Rule 270, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-170 | Racing secretary—Duties with regard to stabling. [Rule 243, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-400 | Stewards—Getting horses to gate at post time. [Rule 271, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-180 | Racing secretary—List of entries—Posting—Available to newspapers. [Rule 246, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-410 | Stewards—Accident before offtime—Excusing horse. [Rule 272, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-190 | Starter—Duties at start of race. [See WAC 260-52-030.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-420 | Stewards—Settlement of protests and complaints. [Rule 273, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-200 | Starter—Appointment of assistants—Misconduct toward jockeys. [Rule 250, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-430 | Stewards—Infractions—Reports to commission. [Rule 274, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-210 | Starter—Schooling of horses. [Rule 251, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-440 | Stewards—Violation of rule other than a rule of the race—Procedure. [Rule 275, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-220 | Starter—To approve entries of two year olds. [Rule 252, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-450 | Timers. [Rule 276, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-230 | Starter—May fine and suspend jockeys. [Order 73-8, § 260-24-230, filed 10/23/73; Rule 253, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-460 | Veterinarians. [Rules 358, 359 and 360, filed 4/21/61; subsection (1) amended, filed 5/4/66; subsection (3) amended, filed 8/26/65.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-240 | Stewards—Responsibility to commission. [Rule 255, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-465 | Veterinarians—Disposal, sterilization of instruments. [Rule 426, filed 8/23/66.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-250 | Stewards—Authority over personnel and grounds. [Rule 256, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | 260-24-470 | Clockers—Identifier. [Statutory Authority: RCW 67.16.020. 79-06-002 (Order 79-1), § 260-24-470, filed 5/4/79; Rule 427, filed 1/30/67.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-260 | Stewards—Powers as to cases not covered by rules—Increased penalties. [Rule 257, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | | |
| 260-24-270 | Stewards—Supervision of entries and declarations. [Rule 258, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. | | |

260-24-480 Film analyst. [Rule 428, filed 1/30/67.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

WAC 260-24-030 Submittal of roster to commission—Approval—Substitutions. At least ten days prior to the first day of a race meeting the association shall submit in writing to the commission the names of all association racing officials engaged for the meeting, and no association racing official shall be qualified to act until he shall have been approved by the commission. In the event of incapacitation of any such approved association official the association may, with the approval of the commission, appoint a substitute.

[Rule 232, filed 1/30/67; Rule 232, filed 4/21/61.]

WAC 260-24-500 Racing officials. (1) Officials at a race meet include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Horsemen's bookkeeper;
- (d) Mutuel manager;
- (e) Official veterinarian(s);
- (f) Horse identifier;
- (g) Paddock judge;
- (h) Starter;
- (i) Security director, association;
- (j) Commission security inspector(s);
- (k) Commission auditor;
- (l) Clerk of scales;
- (m) Jockey room supervisor;
- (n) Film analyst;
- (o) Clocker(s);
- (p) Race timer;
- (q) Paddock plater;
- (r) Mutuel inspector;
- (s) Outrider(s);
- (t) Any other person designated by the commission.

(2) The commission officials of a race meet shall be designated prior to each race meet and those commission officials shall be compensated by the commission.

The association officials of a race meet shall include but are not limited to: Racing secretary, mutuel manager, starter, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

(3) Eligibility:

- (a) To qualify as a racing official, the appointee shall be;
- (i) Of good character and reputation;
- (ii) Familiar with the duties of the position and with the commission's rules of racing;

(iii) Mentally and physically able to perform the duties of the job; and

(iv) In good standing and not under suspension or ineligible in any racing jurisdiction.

(b) To qualify for appointment as a steward the appointee shall be an Association of Racing Commissioners International-accredited steward and be in good standing with all Association of Racing Commissioners International member jurisdictions, unless the appointee has been appointed as a substitute steward as provided in WAC 260-24-510. The commission may waive this accreditation requirement for Class C race meetings.

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(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials and their assistants shall not:

(a) Participate in the sale or purchase, or ownership of any horse racing at the meet; unless disclosed in advance and approved by the board of stewards;

(b) Sell or solicit horse insurance on any horse racing at the meet;

(c) Be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards;

(d) Wager on the outcome of any race for which parimutuel wagering is conducted under the jurisdiction of the commission; or

(e) Consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(6) Racing officials and their assistants shall immediately report to the stewards every observed violation of these rules.

(7) Complaints against officials:

(a) Complaints against any steward shall be made in writing to the commission and signed by the complainant;

(b) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards;

(c) A racing official may be held responsible by the stewards or the commission for the actions of their assistants;

(8) Appointment:

(a) A person shall not be appointed to more than one racing official position at a meet unless specifically approved by the commission;

(b) The commission shall appoint or approve its officials for each race meet, the officials shall perform the duties as outlined herein and such other duties as are necessary as determined by the commission or its executive secretary.

(9) Where an emergency vacancy exists among racing officials, the executive secretary or the association, shall fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(10) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-065, § 260-24-500, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-500, filed 12/19/97, effective 1/19/98.]

WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each race meet shall be responsible to the executive secretary for the conduct of the race meet and the initial agency determination of alleged rule violations in accordance with these rules;

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(b) The stewards shall enforce the rules of racing in chapters 260-12 through 260-84 WAC, excluding chapters 260-49 and 260-75 WAC;

(c) The stewards' authority includes regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be monitored by a steward;

(e) The stewards shall have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing. The stewards of the race meet are hereby given authority to exercise their full power, recommending to the commission the imposition of more severe penalties if necessary.

(2) The stewards' period of authority shall commence ten days prior to the beginning of each race meet, or at such other time as is necessary in the opinion of the executive secretary, and shall terminate at the direction of the executive secretary. One steward shall be designated as the presiding steward by the commission.

(3) Stewards ruling conference regarding violations of rules of racing:

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to charge any licensee or other person with a violation of these rules, to make rulings and to impose penalties including the following:

(i) Issue a reprimand;

(ii) Assess a fine not to exceed \$2,500.00, except as provided in WAC 260-70-690;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges for not more than one year per violation;

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(c) The stewards' imposition of reprimands, fines and suspensions shall be based on the penalty matrix in WAC 260-84-060.

For any other violation not specifically listed in WAC 260-84-060, the stewards shall have discretion to impose the penalties as provided in (b) of this subsection.

(d) The stewards may direct a jockey to the film analyst whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst shall appear when directed. Failure to appear when directed shall be considered a violation of the rules of racing for which penalties may be imposed.

(e) The stewards shall have the authority to conduct a ruling conference, and the authority to:

(i) Direct the attendance of witnesses and commission employees;

(ii) Direct the submission of documents, reports or other potential evidence;

(iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;

(iv) Question witnesses; and

(v) Consider all relevant evidence.

(f) The stewards shall serve notice of a conference to person(s) alleged to have committed a violation, which shall contain the following information:

(i) A statement of the time and place the conference will be held;

(ii) A reference to the particular sections of the WAC involved;

(iii) A short and plain statement of the alleged violation; and

(iv) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.

(g) Failure to appear for a ruling conference shall be considered a violation of the rules of racing for which penalties may be imposed.

(h) It is the duty and obligation of every licensee to make full disclosure to the board of stewards of any knowledge he/she possesses of a violation of any rule of racing. No person may refuse to respond to questions before the stewards on any relevant matter within the authority of the stewards, except in the proper exercise of a legal privilege, nor shall any person respond falsely before the stewards.

(i) At the ruling conference, the stewards shall allow the person alleged to have committed a violation to make a statement regarding the alleged violation.

(j) All ruling conferences shall be recorded.

(k) Every ruling by the stewards must be served in writing on the person(s) found in violation within five days and shall include:

(i) Time and place the ruling was made;

(ii) Statement of rules violated;

(iii) Details of the violation;

(iv) Penalties to be imposed;

(v) Procedure for requesting a hearing before the commission to challenge the ruling; and

(vi) Plain statement of the options of the person found in violation, which shall include:

(A) Accepting the penalty imposed by the stewards; or

(B) Requesting a hearing before the commission challenging the stewards' ruling within seven days.

(l) The stewards' ruling shall be posted and a copy provided to the racing association.

(m) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-08 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days, if a request for hearing before the commission has not been filed, the stewards' penalty shall be imposed.

(n) "Service" of the notice of ruling conference or a stewards' ruling shall be by either personal service to the person or by depositing the notice of ruling conference or stewards' ruling into the mail to the person's last known address in which case service is complete upon deposit in the U.S. mail.

(c) If the stewards determine that a person's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license and/or eject from the grounds pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling conference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track beginning three hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the executive secretary may appoint a substitute steward.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a weekly report of their regulatory activities. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, protests, objections, complaints and conferences. The report shall be filed with and approved by the executive secretary;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the executive secretary a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack

that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(e) An owner or trainer who disagrees with the stewards' decision of placing or maintaining a horse on the stewards' list may request and be granted a stewards' ruling conference to challenge the decision of the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-07-065, § 260-24-510, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020, 04-17-082, § 260-24-510, filed 8/16/04, effective 9/16/04; 03-13-074, § 260-24-510, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.040, 98-01-145, § 260-24-510, filed 12/19/97, effective 1/19/98.]

WAC 260-24-520 Racing secretary. (1) The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations and scratches. The racing secretary may employ one or more assistants who may assist in performing the following duties. An assistant racing secretary shall assume the duties of the racing secretary in that person's absence.

(2) Foal, health and other eligibility certificates:

(a) The racing secretary shall be responsible for receiving, inspecting and safeguarding the foal and health certificates, Equine Infectious Anemia (EIA) test certificates and other documents of eligibility for all horses competing at the track or stabled on the grounds;

(b) The racing secretary shall record the alteration of the sex of a horse on the horse's foal certificate and report such to the appropriate breed registry and past performance services;

(c) The racing secretary shall record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse.

(3) The racing secretary shall maintain a list of nerved horses which are on association grounds and shall make the list available for inspection by other licensees participating in the race meeting.

(4) The racing secretary shall maintain a list of all fillies or mares on association grounds who have been covered by a stallion. The list shall also contain the name of the stallion to which each filly or mare was bred and shall be made available for inspection by other licensees participating in the race meeting.

(5) It shall be the duty of the racing secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing. He/she shall determine all conflicting claims of stable privileges and maintain a

record of arrivals and departures of all horses stabled on association grounds.

(6) Conditions and eligibility:

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office:

(b) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race;

(c) Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(7) Listing of horses, the racing secretary shall:

(a) Examine all entry blanks to verify information as set forth therein; and

(b) Select the horses to start and the also eligible horses from those entries received in accordance with these rules.

(8) Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his/her office and make the list available.

(9) The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

(a) Sequence of races to be run and post time for the first race;

(b) Purse, conditions and distance for each race, and current track record for such distance;

(c) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;

(d) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(e) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(f) Identification of each horse by name, color, sex, age, sire and dam; and

(g) Such other information as may be requested by the association or the commission.

(10) The racing secretary shall examine nominations received for early closing events, late closing events and stakes events to verify the eligibility of all such nominations and compile lists thereof for publication.

(11) The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting.

[Statutory Authority: RCW 67.16.040, 98-01-145, § 260-24-520, filed 12/19/97, effective 1/19/98.]

WAC 260-24-530 Horsemen's bookkeeper. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

(1) Records:

(a) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account;

(b) The records shall include a file of all required statements: Of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents;

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association;

(d) All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the commission at any time;

(e) The association licensee is subject to disciplinary action by the commission for any violations of or noncompliance with the provisions of this rule.

(2) Monies and funds on account:

(a) All monies and funds on account with the horsemen's bookkeeper shall be maintained;

(i) Separate and apart from monies and funds of the association;

(ii) In an account designated as Horsemen's Account; and

(iii) In an account insured by the Federal Deposit and Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations;

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

(3) Payment of purses:

(a) The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into his/her possession in accordance with the provisions of commission rules;

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due;

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money;

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing;

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory and provided further that no protest or appeal has been filed with the stewards or the commission;

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final nonappealable order disposing of such protest or appeal.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-530, filed 12/19/97, effective 1/19/98.]

WAC 260-24-540 Mutuel manager. The mutuel manager is responsible for the operation of the parimutuel department and shall:

- (1) Be responsible for the correctness of all pay-off prices;
- (2) Maintain records of all wagers and provide information regarding betting patterns;
- (3) Employ licensed individuals to aid in the operation of the parimutuel department;
- (4) Make emergency decisions regarding the operation of the parimutuel department; and
- (5) Be responsible for the enforcement of the association policy and procedures relating to the mutuel department.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-540, filed 12/19/97, effective 1/19/98.]

WAC 260-24-550 Official veterinarian(s). The official veterinarian(s) shall:

- (1) Be employed by the commission;
- (2) Be a graduate veterinarian and be licensed to practice in this jurisdiction;
- (3) Recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
- (4) Place horses on the veterinarian's list and remove horses from the veterinarian's list;
- (5) Place horses on the bleeder list and remove horses from the bleeder list;
- (6) Supervise and control the test barn;
- (7) Supervise the taking of all specimens for testing according to procedures approved by the commission;
- (8) Provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;
- (9) Provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples;
- (10) Have jurisdiction over the practicing licensed veterinarians within the enclosure for the purpose of these rules;
- (11) Report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (12) Maintain all required records of postmortem examinations performed on horses which have died on association grounds;

(13) Be available to the stewards prior to scratch time each racing day at a time designated by the stewards to inspect any horses and report on their condition as may be requested by the stewards;

(14) Be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;

(15) Inspect any horse when there is a question as to the physical condition of such horse;

(16) Recommend scratching a horse to the stewards if, in his/her opinion the horse is physically incapable of exerting its best effort to win;

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(17) Inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his/her opinion as to the cause of the distress to the stewards;

(18) Refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;

(19) Review and consult with the applicants and the stewards regarding commission license applications of practicing veterinarians;

(20) Cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;

(21) Periodically review all horse papers under the jurisdiction of the commission to ensure that all required test and health certificates are current and properly filed in accordance with these rules; and

(22) Be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of racing the horse to so act.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-550, filed 12/19/97, effective 1/19/98.]

WAC 260-24-560 Horse identifier. The horse identifier shall:

(1) When required, ensure the safekeeping of registration certificates and racing permits for horses stabled and/or racing on association grounds;

(2) Inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) Examine every starter in the paddock, or other designated location approved by the commission, for sex, color, markings and lip tattoo or other identification method approved by the appropriate breed registry and the commission for comparison with its registration certificate to verify the horse's identity; and

(4) Supervise the tattooing, branding or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

(5) The horse identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

[Statutory Authority: RCW 67.16.040. 99-05-048, § 260-24-560, filed 2/12/99, effective 3/15/99; 98-01-145, § 260-24-560, filed 12/19/97, effective 1/19/98.]

WAC 260-24-570 Paddock judge. (1) The paddock judge shall:

(a) Supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;

(b) Maintain a written record of all equipment, inspect all equipment of each horse saddled and report any change thereof to the stewards;

(c) Prohibit any change of equipment without the approval of the stewards;

(d) Ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses

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are generally mounted at the same time, and leave the paddock for the post in proper sequence;

(e) Supervise paddock schooling of all horses approved for such by the stewards;

(f) Report to the stewards any observed cruelty to a horse;

(g) Ensure that only properly authorized persons are permitted in the paddock; and

(h) Report to the stewards any unusual or illegal activities.

(2) Paddock judge's list:

(a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing;

(b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards;

(c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-570, filed 12/19/97, effective 1/19/98.]

WAC 260-24-580 Starter. (1) The starter shall:

(a) Have complete jurisdiction over the starting gate, the starting of horses and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;

(b) Appoint and supervise assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(c) Ensure that a sufficient number of assistant starters are available for each race;

(d) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions more than 10 minutes before post time for the race;

(e) Assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make said assessment known to the stewards; and

(f) Load horses into the gate in any order deemed necessary to ensure a safe and fair start.

(2) Assistant starters, with respect to an official race, shall not:

(a) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(b) Impede the start of a race;

(c) Apply a whip or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;

(d) Slap, boot or otherwise dispatch a horse from the starting gate;

(e) Strike or use abusive language to a jockey; or

(f) Accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

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(3) No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Such horse shall be refused entry until it has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter.

(4) The starter and assistant starter shall report all unauthorized activities to the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-580, filed 12/19/97, effective 1/19/98.]

WAC 260-24-590 Security director, association. The security director shall be employed by the association and shall be directly responsible for maintaining the security and safety of the racing association's grounds. He/she shall issue daily reports to the commission security inspector outlining staffing and any incidents or occurrences which may constitute a violation of the "rules of racing." The security director will work closely with the board of stewards and commission security inspector(s) to facilitate the licensing, regulation and supervision of licensees and the racing association grounds. The security director may be requested to perform such other specific duties as are mutually agreed upon between the board of stewards and the racing association.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-590, filed 12/19/97, effective 1/19/98.]

WAC 260-24-600 Commission security inspector(s). The commission security inspector(s) shall be employed by the commission and report to the commission executive secretary and the stewards. His/her duties shall include investigation of allegations of wrongdoing and violations of the "rules of racing," presentation of cases before the stewards and other duties as set forth by the commission or the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-600, filed 12/19/97, effective 1/19/98.]

WAC 260-24-610 Commission auditor. The commission auditor shall be responsible for:

(1) Verifying the calculations of the parimutuel department;

(2) Calculating and/or verify the monetary commissions due;

(3) Maintaining the Washington bred owners bonus fund (including filing of tax information); and

(4) Various accounting and auditing services as requested by the commission or the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-610, filed 12/19/97, effective 1/19/98.]

WAC 260-24-620 Clerk of scales. The clerk of scales shall:

(1) Verify the presence of all jockeys in the jockeys' room at the appointed time;

(2) Verify that all such jockeys have a current jockey's license issued by the commission;

(3) Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;

(4) Oversee the security of the jockeys' room including the conduct of the jockeys and their attendants;

(5) Promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct;

(6) Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;

(7) Maintain the record of applicable winning races on all apprentice certificates at the meeting;

(8) Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and

(9) Assume the duties of the jockey room supervisor in the absence of such employee.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-620, filed 12/19/97, effective 1/19/98.]

WAC 260-24-630 Jockey room supervisor. The jockey room supervisor shall:

(1) Supervise the conduct of the jockeys and their attendants while they are in the jockey room;

(2) Keep the jockey room clean and safe for all jockeys;

(3) Ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;

(4) Keep a daily video list as dictated by the stewards and have it displayed in plain view for all jockeys;

(5) Keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;

(6) Keep unauthorized persons out of the jockey room; and

(7) Report to the stewards any unusual occurrences in the jockey room.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-630, filed 12/19/97, effective 1/19/98.]

WAC 260-24-640 Film analyst. The film analyst, when utilized, shall be responsible for assisting the stewards and other commission officials in the interpretation of video coverage of each race. The analyst shall perform such other duties as are designated by the board of stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-640, filed 12/19/97, effective 1/19/98.]

WAC 260-24-650 Clocker(s). (1) The clocker(s) shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker(s) shall prepare a list of workouts that describes the name of each horse which worked, along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary.

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(4) The clocker(s) and his/her representative shall report the time and distance of the horse that best represents the workout which is in the best interest of the public.

(5) Whenever training occurs at other than a racing association within its scheduled race meet and training dates, only individuals licensed by the commission may clock workouts. Off-season clocking can only be performed at approved training centers, in the method prescribed by the commission, and in compliance with WAC 260-40-100. Prior to conducting off-season clocking, all clockers must be approved and licensed by the commission. Approval shall be based on the clockers' knowledge of and proficiency in performing clocking activities.

[Statutory Authority: RCW 67.16.020. 04-07-074, § 260-24-650, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 00-20-028, § 260-24-650, filed 9/27/00, effective 10/28/00; 98-01-145, § 260-24-650, filed 12/19/97, effective 1/19/98.]

WAC 260-24-660 Race timer. (1) The timer shall accurately record the time elapsed between the start and finish of each race.

(2) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(3) At the end of a race, the timer shall post the official running time on the infield totalisator board.

(4) At a racetrack equipped with an appropriate infield totalisator board, the timer shall post the quarter times (splits) for races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths of a second.

(5) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three stopwatches are used by the stewards or their designees.

(6) The timer shall maintain a written record of fractional and finish times of each race and have same available for inspection by the stewards or the commission on request.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-660, filed 12/19/97, effective 1/19/98.]

WAC 260-24-670 Paddock plater. The paddock plater shall be available during racing hours to perform emergency shoeing repairs on horses in either the receiving barn, the paddock or during the parade to post. When directed by the board of stewards, the paddock plater shall report horses which are wearing caulks and on which feet. With permission of the stewards the paddock plater may assume other duties as requested by the association.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-670, filed 12/19/97, effective 1/19/98.]

WAC 260-24-680 Mutuel inspector. The mutuel inspector shall oversee parimutuel wagering activity, including but not limited to, testing of the totalisator system, working with the board of stewards, commission auditor and mutuel manager as related to chapter 260-48 WAC and shall perform other duties as directed by the commission.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-680, filed 12/19/97, effective 1/19/98.]

WAC 260-24-690 Outrider(s). The duty of the outrider(s) shall be to maintain safety on the racetrack during training hours insuring that all persons entering onto the race-track have the proper safety equipment. During racing hours, prior to each race, the outrider(s) shall be responsible for maintaining order during the post parade and insuring that the horses arrive at the starting gate at post time. The outrider(s) shall inform the stewards of any questionable conduct and shall perform other duties as directed by the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-690, filed 12/19/97, effective 1/19/98.]

WAC 260-24-700 Any other person designated by the commission. The commission may create additional racing official positions, as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in this chapter.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-700, filed 12/19/97, effective 1/19/98.]

Chapter 260-28 WAC

OWNERSHIPS, TRAINERS AND EMPLOYEES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-28-140 | Employment of persons under sixteen. [Rules of racing, § 182, filed 4/21/61.] Repealed by 04-05-092, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020. |
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WAC 260-28-010 Authorized agent. An authorized agent is an agent appointed by document signed by the owner before a notary public and lodged with the secretary. An agent so appointed will be recognized by the commission as

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having authority to handle any and all matters pertaining to the stable for which he is authorized to act, and the acts of such agent shall be deemed the acts of the owner, and owner accepts responsibility for his agent's acts. The term of the license shall expire December 31st of each year, unless the agent's appointment is revoked by the owner in writing or until revoked for cause by the commission.

[Rules of racing, § 32, filed 4/21/61.]

WAC 260-28-020 Stable names—Registration fees and restrictions. Each stable name must be duly registered with the commission.

(1) In applying to race under a stable name the applicant must disclose the identity or identities behind a stable name. If a partnership is involved in the identity behind a stable name, the rules covering partnerships must be complied with.

(2) Changes in identities must be reported immediately to and approval obtained from the commission.

(3) No person can use his real name for racing purposes so long as he has a registered one, without permission of the board of stewards.

(4) A trainer who is a licensed owner or part owner may use a stable name as owner or part owner. However, no trainer may be licensed as trainer other than in his legal name.

(5) Any person who has been registered under a stable name may, at any time, cancel it after he has given written notice to the commission.

(6) A stable name may be changed at any time by registering a new stable name and by paying the fee as required above.

(7) A person cannot register as his stable name one which has been registered by any other person with an association conducting a recognized meeting, or the Jockey Club (N.Y.) or with another racing authority.

(8) A person may not register as his stable name one which is the real name of any owner of race horses, nor one which is the real or assumed name of any prominent person not owning race horses.

(9) A stable name shall be plainly distinguishable from that of another duly registered stable name.

(10) No stable name shall be used if in the judgment of the stewards it is being used for advertising purposes.

(11) Any combination of more than three owners will be required to race under a stable name.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-28-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-034 (Order 79-06), § 260-28-020, filed 12/17/79; Order 71-9, § 260-28-020, filed 6/2/71; Rules of racing, § 31, filed 3/11/65; subsection (4) amended, filed 8/26/65; § 31, filed 4/21/61.]

WAC 260-28-030 Financial responsibility. (1) No licensee shall willfully fail or refuse to pay money due for services, supplies, or fees connected with his or her operations as a licensee. No licensee shall falsely deny such an amount due or the validity of a complaint on such an amount due for the purpose of hindering, delaying, or defrauding the person to whom the amount is due.

(2) A financial responsibility complaint against a licensee must be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to have been provided, or by a judgment from a

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civil court that has been issued within two years of the date of the complaint.

(3) Any licensee failing to make restitution as a result of a complaint where the amount owed is undisputed or judgment may be subject to disciplinary action, including a license suspension.

(4) The stewards will consider for disciplinary action only those financial responsibility complaints that meet the following criteria:

(a) The complaint involves services, supplies or fees that are directly related to the licensee's Washington racetrack and training operations; and

(b) The debt or cause of action originated in Washington, or the civil court judgment was issued in Washington, within two years of the date the complaint is filed.

(5) In determining whether to act on a financial responsibility complaint, the stewards may consider the number of financial responsibility complaints made by the complainant against the same licensee within a two-year period immediately preceding the current complaint.

(6) No licensee shall write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account. The fact that such a check is returned to the payee by the bank as refused is a grounds for a license suspension pending satisfactory redemption of the returned check.

[Statutory Authority: RCW 67.16.040. 03-07-056, § 260-28-030, filed 3/14/03, effective 4/14/03; Rules of racing, § 27, filed 4/21/61.]

WAC 260-28-040 Feed and supplies may be bought at open market. Owners of stables participating in meetings operating under license of Washington horse racing commission shall be privileged to purchase feed and supplies at the open market. No association shall grant exclusive concessions which will operate to interfere with this privilege.

[Rules of racing, § 25, filed 4/21/61.]

WAC 260-28-050 Colors—Registration and fees. (1) Racing colors must be registered, and authority for their use sanctioned. Such registration shall be made annually, upon issuance of an owner's license.

(2) Colors registered with any racing commission or with the Jockey Club of New York shall be respected in Washington and only the registrant shall be permitted to use them.

(3) No person shall start a horse in racing colors other than those registered in his own or assumed name, but a temporary change from the recorded racing colors may be approved by the stewards.

(4) Any disputes between claimants to the right of particular racing colors shall be decided by the stewards.

(5) Any temporary change from the recorded colors of the owner must be approved by the stewards and posted by the clerk of the scales on the notice board.

[Statutory Authority: RCW 61.16.020 and 67.16.040. 82-14-012 (Order 82-05), § 260-28-050, filed 6/25/82; Rules of racing, § 64, filed 4/21/61.]

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WAC 260-28-060 Engagements and transfer of same.

(1) When a horse is claimed out of a claiming race, the horses engagements are included.

(2) Subscriptions and all entries or rights of entry are valid when a horse is sold with his engagements duly transferred; in duly registered partnerships when subscriptions, entries and rights of entries survive in the remaining partners; and when entries under the decedent's subscription has been made previous to the decedent's death by the transfer of the right of entry.

(3) Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in case of duly registered partnerships or except subject to the sanction of the stewards, when the personal representative of an estate shall in writing, request that the benefits of such accrue to the estate of the decedent subscriber for the privilege of transfer, and shall agree to assume any and all obligations incident to the original entries.

(4) In case of any transfer of a horse with its engagements, such horse will not be eligible to start in any stakes, unless at the usual time of the running of the stakes, or prior thereto, the transfer of the horse and its engagements shall be exhibited when demanded to the racing secretary.

(5) Should a horse be sold with his engagements, or any part of them, the seller cannot strike the horse out of any such engagements.

[Rules of racing, §§ 88 through 92, filed 4/21/61.]

WAC 260-28-070 Ownerships to be filed with racing secretary. All ownerships in a horse, except a trainer's percentage of his winnings, shall be filed with the racing secretary, before the horse shall start, as also shall every change in ownership thereafter during the meeting.

[Rules of racing, § 107, filed 4/21/61.]

WAC 260-28-080 Corporate ownership and leases.

No license as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless such corporation shall have no more than ten stockholders or members each of whom shall be the registered and beneficial owner of stock or membership in such corporation; nor shall any corporation having more than ten such stockholders have the power to lease for racing purposes to any natural person or persons or partnership any horse owned or controlled by it. Each stockholder must file an application for an owner's license: Provided, That the commission, through its board of stewards, may waive the requirement of ten or less stockholders and permit a corporation which has up to twenty-five stockholders to be licensed if all of the stockholders have sufficient local connections so that the process of checking applications is not unduly burdensome.

All the stockholders or members of a corporation which owns or leases horses for racing purposes in the state of Washington and also all such corporations shall make and file with the commission as and when requested by it, a report or reports containing such information as the commission may specify; and upon refusal or failure to file such report or reports the commission may refuse a license to any lessee or lessees of such corporation or may revoke any such license which it may have granted.

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[Order 75-1, § 260-28-080, filed 2/18/75; Rules of racing, § 107(a), filed 4/21/61.]

WAC 260-28-090 Owner to register horses with racing secretary. Each owner shall register with the racing secretary at each track all of his horses, giving the name, color, sex, age and breeding of each.

[Rules of racing, § 176, filed 4/21/61.]

WAC 260-28-100 Change of trainers. If an owner changes trainers, he must notify the racing commission and require the new trainer to sign his name on said owner's registration.

[Rules of racing, § 178, filed 4/21/61.]

WAC 260-28-110 Employment of jockey to prevent riding. No owner shall employ a jockey for the purpose of preventing him from riding in any race.

[Rules of racing, § 179, filed 4/21/61.]

WAC 260-28-120 Bribes and gratuities. No owner shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race, or tend to do so.

[Rules of racing, § 180, filed 4/21/61.]

WAC 260-28-130 May not employ nonlicensed veterinarian—Report of certain illnesses and treatments. No owner or trainer or their representative, shall employ a veterinarian who is not licensed as such by the state board of veterinary examiners. Licensed associations shall use all reasonable efforts to prevent nonlicensed veterinarians from practicing on their premises. Every such veterinarian who shall prescribe or use any medication or treatment which contains a drug or drugs which he has reason to believe are of such character as would affect the racing condition of a horse in a race, shall at the time of prescribing or use deliver to the trainer of the horse under treatment a written statement, setting forth the date, the name of the horse and of the owner, and the name of said drug or drugs so prescribed or used. A copy of this statement shall also be delivered to the board of stewards. Any illness with unusual symptoms shall immediately be reported by the trainer or attending veterinarian to the stewards.

[Rules of racing, § 181, filed 4/21/61.]

WAC 260-28-150 Registration of stable personnel. The personnel of every stable and changes thereof shall be registered by the owner with the racing commission.

[Rules of racing, § 183, filed 4/21/61.]

WAC 260-28-160 Partnerships. (1) All partnerships, and the name and address of every individual having any interest in a horse, the relative proportions of such interest, and the terms of any sale with contingencies, of any lease or of any arrangement, must be signed by all the parties or by their authorized agents and be lodged at the office of the commission before any horse which is a joint property or which is sold with contingencies or is leased can start in any race, and

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all the partners and each of them shall be jointly and severally liable for all stakes and obligations.

All statements of partnerships, of sales with contingencies, of leases, or of arrangements, shall declare to whom winnings are payable (which must be the name of the nominator), in whose name the horse will run, and with whom rests the power of entry or of declaration of forfeit.

(2) In case of emergency, authority to sign declarations or partnership may be given to the commission by a telegram promptly confirmed in writing.

(3) A part owner of any horse cannot assign his share or any part of it, without the written consent of the other partners. The said consent to be lodged with the commission.

[Rules of racing, §§ 197, 198, 199, filed 4/21/61.]

WAC 260-28-170 Duty to name jockey upon making entry. Every owner or trainer shall upon making an entry, be required to furnish the name of the jockey who rides his horse, or if this be not possible, he shall in any event be required to furnish it not later than scratch time the day of the race. If no jockey has been named by that hour, the stewards shall name the best available rider and he shall ride the horse.

[Rules of racing, § 279, filed 4/21/61.]

WAC 260-28-180 Trainer—Insurer of condition of horse. The trainer shall be responsible for and be the absolute insurer of the condition of the horses he enters regardless of the acts of third parties.

[Rules of racing, § 280, filed 4/21/61.]

WAC 260-28-190 Trainer—Authority to represent owner. A trainer may represent the owner in the matter of entries, declarations, and the employment of jockeys.

[Rules of racing, § 281, filed 4/21/61.]

WAC 260-28-200 Trainer—Paddock duties. (1) A trainer shall have his horse in the paddock at the time appointed.

(2) A trainer shall attend his horse in the paddock, and shall be present to supervise his saddling, unless he has obtained the permission of a steward to send another licensed trainer as substitute.

[Rules of racing, §§ 282, 283, filed 4/21/61.]

WAC 260-28-210 Trainer—Substitute for absent trainer. If a trainer is to be absent from the track where his horses are participating in races, he must obtain a licensed trainer to substitute for him during his absence. Such a substitute trainer must be approved by the board of stewards upon forms approved by the racing commission. The original trainer is the absolute insurer of the horse he has entered. The substitute trainer will then become the absolute insurer of any additional horses he may enter.

[Order 4, § 260-28-210, filed 12/24/69; Rules of racing, § 284, filed 4/21/61.]

WAC 260-28-220 Trainer—Duty to register horses with racing secretary. Each trainer shall register with the

racing secretary all the horses in his charge, giving the name, age, sex, breeding and ownership of each.

[Rules of racing, § 285, filed 4/21/61.]

WAC 260-28-230 Trainer—Duty to register personnel—Safety equipment. A trainer shall be required to notify the commission of the names of every person in the trainer's employ and be responsible to ensure that all the trainer's employees are properly licensed by the commission before being allowed to work. If a trainer releases any employee, the trainer shall notify the stewards within forty-eight hours.

A trainer shall also be responsible to ensure that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-067, § 260-28-230, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 00-06-072, § 260-28-230, filed 3/1/00, effective 4/1/00. Rules of racing, § 286, filed 4/21/61.]

WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury. As a proper means of financial relief from injury, the Washington horse racing commission requires as a condition to issuance of a license that the applicant file proof of compliance with one of the following coverages:

(1) That the trainer cover his employees under state industrial insurance through the Washington state department of labor and industries.

(2) Trainers obtain coverage from private insurance carrier duly licensed to do business in the state of Washington, and approved by the Washington horse racing commission.

(3) Posting of surety bond with sureties to be approved by the commission, in such amount as designated by the Washington horse racing commission.

[Rules of racing, § 425, filed 5/4/66.]

WAC 260-28-240 Trainer—Restriction as to horses owned by disqualified person. A trainer shall not have in charge or under his supervision any horse owned, in whole or in part, by a disqualified person.

[Rules of racing, § 287, filed 4/21/61.]

WAC 260-28-250 Trainer—Bribery prohibited. No trainer shall accept, directly or indirectly any bribe, gift, or gratuity in any form which might influence the result of any race or which would tend to do so.

[Rules of racing, § 288, filed 4/21/61.]

WAC 260-28-260 Trainer—Removing horses from grounds. No trainer shall move or permit to be moved any horse or horses in his care from the grounds of an association without written permission from the stewards.

[Rules of racing, § 289, filed 4/21/61.]

WAC 260-28-270 Trainer—Employing jockey to prevent riding. No trainer shall employ a jockey for the purpose of preventing him from riding in any race.

[Rules of racing, § 290, filed 4/21/61.]

[Title 260 WAC—p. 42]

WAC 260-28-280 Trainer—Reporting sickness of horse. A trainer shall see to it that a report is made promptly to the racing secretary and track veterinarian of any and all sickness of his horse or horses.

[Rules of racing, § 291, filed 4/21/61.]

WAC 260-28-290 Trainer—Ownership interest. When participating as a licensed trainer at a race meet, the trainer is responsible for training all horses participating at the race meet that are owned wholly or in part by the trainer. The board of stewards has discretion to permit an exception to this rule only where the trainer has an ownership interest in different breeds of horses participating in the race meet, and seeks permission to have a particular breed trained by someone else.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-066, § 260-28-290, filed 3/10/06, effective 4/10/06.]

Chapter 260-32 WAC

JOCKEYS, APPRENTICES AND AGENTS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-32-020 | Riding prior to licensure. [Rules of racing, §§ 141, 142, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-030 | Apprentice may ride in same race with jockeys. [Rules of racing, § 143, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-050 | Stable prerequisite to contract holding. [Rules of racing, § 170, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-060 | Riding for other than contract employer. [Rules of racing, § 145, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |

- 260-32-090 Riding against starter of contract employer. [Rules of racing, § 148, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-110 Protective helmet. [Rules of racing, §§ 150, 151, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-115 Safety vests. [Statutory Authority: RCW 67.16.040. 93-23-010, § 260-32-115, filed 11/5/93, effective 12/6/93.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-200 When suspension commences. [Rules of racing, § 161, filed 4/21/61.] Repealed by 04-19-044, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.020.
- 260-32-240 Priority of retainers. [Rules of racing, § 165, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-310 Contracts—Form—Filing. [Rules of racing, §§ 167, 168, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-320 Contracts—Transfers. [Rules of racing, § 169, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-330 Stable prerequisite to contract holding. Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-335 Apprentice certificates. [Order 77.1, § 260-32-335, filed 4/22/77.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-340 Application for license—Supporting documents. [Rules of racing, § 171, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-350 Riding for other than contracted employer—Fee entitlement. [Order 73.7, § 260-32-350, filed 12/3/73; Rules of racing, § 172, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-32-360 Apprentice allowances and extensions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 83-08-057 (Order 83-01), § 260-32-360, filed 4/4/83; Order 77.1, § 260-32-360, filed 4/22/77; Order 73.7, § 260-32-360, filed 12/3/73; Order 3, § 260-32-360, filed 5/12/69; Rules of racing, § 173, filed 4/21/61, subsections 1(a) amended, filed 3/11/65; 1(c) amended, filed 8/26/65; 2(d) added, filed 1/21/64.] Repealed by 98-07-070, filed 3/17/98, effective 4/17/98. Statutory Authority: RCW 67.16.040.

JOCKEYS

WAC 260-32-010 Minimum requirements to obtain a jockey's license. In order to obtain a jockey license a person must meet the following minimum requirements:

- (1) Be at least eighteen years of age; and
- (2) Be engaged by a trainer to ride in a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-010, filed 3/10/06, effective 4/10/06. Rules of racing, §§ 139, 140, filed 4/21/61.]

WAC 260-32-040 Jockey may not be owner or trainer. A jockey shall not be an owner or trainer of any horse competing at the race meet where the jockey is riding.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-040, filed 3/10/06, effective 4/10/06. Rules of racing, § 144, filed 4/21/61.]

WAC 260-32-070 Weighing out. Jockeys are required to present themselves to be weighed out as directed by the clerk of the scales.

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[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-070, filed 3/10/06, effective 4/10/06. Rules of racing, § 146, filed 4/21/61.]

WAC 260-32-080 Must fulfill engagements. All jockeys shall faithfully fulfill all engagements in respect to racing, unless excused by the board of stewards or a physician.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-080, filed 3/10/06, effective 4/10/06. Rules of racing, § 147, filed 4/21/61.]

WAC 260-32-100 Appearance and costume. In riding a race a jockey must be neat in appearance. All riders must be dressed in clean jockey attire, caps, and jackets of silk or waterproof material, white jockey's pants and jockey boots. During off-track conditions protective rain pants may be of a different color.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-100, filed 3/10/06, effective 4/10/06. Rules of racing, § 149, filed 4/21/61.]

WAC 260-32-105 Safety equipment. (1) It shall be mandatory that jockeys wear a protective helmet and safety vest in compliance with WAC 260-12-180.

(2) The weight of the protective helmet shall not be included in the jockey's weight.

(3) The safety vest shall weigh no more than two pounds and shall not be included in the jockey's weight.

(4) Safety vests shall not be altered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-105, filed 3/10/06, effective 4/10/06.]

WAC 260-32-120 Spurs or steels. The use of spurs or steels is prohibited.

[Rules of racing, § 152, filed 4/21/61.]

WAC 260-32-130 Colors. A jockey must wear the colors of the owner or owners of the horse he/she is riding (except by special permission of the stewards), and a number on the saddle cloth corresponding to the number of the horse in the official program.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-130, filed 3/10/06, effective 4/10/06. Rules of racing, § 153, filed 4/21/61.]

WAC 260-32-140 Numbers. A jockey may be required to wear a number on his/her right arm. The number on the jockey's arm and the saddle cloth number shall correspond to the number of the horse in the official program.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-140, filed 3/10/06, effective 4/10/06. Rules of racing, § 154, filed 4/21/61.]

WAC 260-32-150 Reporting in prior to race—Attendance pending engagements. Every jockey who is engaged in a race shall report to the scale room on the day of the race at the time required by the officials. He/she shall then report his/her engagements and overweight, if any, to the clerk of scales, and thereafter, except with the permission of the stewards, shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race, until all of his/her engagements of the day have been fulfilled.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-150, filed 3/10/06, effective 4/10/06. Rules of racing, § 155, filed 4/21/61.]

WAC 260-32-160 Physical examinations. During the conduct of a meeting, if the board of stewards has reasonable concerns that a jockey may be unfit to ride due to physical ailment, the board of stewards may require that any jockey be examined by a physician and may refuse to allow said jockey to ride until he/she presents a physician's statement that the jockey is physically fit to ride.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-160, filed 3/10/06, effective 4/10/06. Rules of racing, § 156, filed 4/21/61.]

WAC 260-32-170 Betting. (1) A jockey shall only be allowed to wager on a race in which the jockey is riding, and then only if:

(a) The owner or trainer of the horse, which the jockey is riding, makes the wager for the jockey;

(b) The jockey only wagers on his/her mount to win or finish first in combinations with other horses in multiple wagers; and

(c) Records of such wagers are kept and available for presentation upon request by the stewards.

(2) A jockey shall be allowed to wager on any race as long as the jockey has fulfilled his/her riding engagements for the day and left the jockey's quarters.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-170, filed 3/10/06, effective 4/10/06. Rules of racing, § 157, filed 4/21/61.]

WAC 260-32-180 Fees. (1) The commission must approve jockey riding fees prior to the beginning of a race meet.

(a) If any owner or trainer engages two or more jockeys for the same race, he/she shall pay the losing fee for each jockey not riding in the race, as well as the proper fee to the jockey who does ride. In the event an owner or trainer elects to remove a jockey from his/her mount after scratch time or such other time as designated by the stewards, the stewards may require a double jockey fee to be paid. The double jockey fee to be paid may be equal to that earned by the jockey who rode the race or a losing fee, as determined by the board of stewards.

(b) A jockey's fee shall be considered earned when the clerk of scales weighs out the jockey. The fee shall not be considered earned if the jockey, of his/her own free will, takes himself/herself off his/her mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above ruling shall be at the discretion of the stewards.

(2) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-180, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 98-07-070, § 260-32-180, filed 3/17/98, effective 4/17/98; Order 4, § 260-32-180, filed 12/24/69. Rules of racing, §§ 158, 159, filed 4/21/61.]

WAC 260-32-190 Temporary suspension. (1) If a jockey is suspended for an offense not involving fraud, and the suspension is for ten days or less, then the jockey may ride in those stakes races, futurity races, futurity trials, or other races which are designated by the board of stewards as

races in which the jockey may compete, even though under suspension.

(2) A listing of the designated races shall be posted in the jockey's room, and any other such place deemed appropriate by the stewards.

(3) A suspended jockey must be named at the time of entry to participate in any designated race.

(4) A day in which a jockey participated in a designated race while on suspension shall count as a suspension day, except:

(a) A day in which a suspended jockey participates in more than one designated race in Washington shall not count as a suspension day; and

(b) A day in which a jockey participates in one or more designated races in another jurisdiction shall not count as a suspension day.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-190, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 91-15-036, § 260-32-190, filed 7/16/91, effective 8/16/91. Rules of racing, § 160, filed 4/21/61.]

WAC 260-32-210 Payment of fines. All fines must be paid by the jockey. Any other person paying a jockey's fine shall be subject to disciplinary action.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-210, filed 3/10/06, effective 4/10/06. Rules of racing, § 162, filed 4/21/61.]

WAC 260-32-220 Jockey limited to one agent who shall make all engagements. A jockey may have only one agent. All engagements to ride shall be made by his/her agent. All jockeys are bound by agreements made on their behalf by their jockey agent.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-220, filed 3/10/06, effective 4/10/06. Rules of racing, § 163, filed 4/21/61.]

WAC 260-32-230 Attendants. No jockey shall have an attendant other than those provided by the association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-230, filed 3/10/06, effective 4/10/06. Rules of racing, § 164, filed 4/21/61.]

JOCKEY APPRENTICES (CONTRACTS—REGISTRATION—APPLICATION FOR LICENSES)

WAC 260-32-300 Application of rules for jockeys. Jockey apprentices must comply with all the rules for jockeys.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-300, filed 3/10/06, effective 4/10/06. Rules of racing, § 166, filed 4/21/61.]

WAC 260-32-305 Probationary mounts. The board of stewards may grant a temporary license to a jockey apprentice allowing them to ride up to three probationary mounts.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-305, filed 3/10/06, effective 4/10/06.]

WAC 260-32-370 Apprentice jockeys. (1) An applicant for an apprentice jockey license may be prohibited from riding until the stewards or the commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

(2) An apprentice jockey may be granted an apprentice certificate by the board of stewards. The apprentice certificate shall grant an apprentice all the allowances and conditions stated in these rules.

(3) An apprentice jockey eligible for a ten-pound allowance may not accept mounts on two year olds and first time starters, without prior approval of the board of stewards.

(4) The conditions of an apprentice jockey license do not apply to quarter horse or mixed breed racing. A jockey's performances in quarter horse or mixed breed racing do not apply to the conditions of an apprentice jockey.

(5) An applicant with an approved apprentice certificate from another jurisdiction may be licensed as an apprentice jockey.

(6) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

(7) The apprentice jockey shall be responsible to have his/her apprentice certificate with them at all times. Prior to riding, the apprentice certificate shall be submitted to the clerk of scales at each racing association in which the apprentice is licensed and riding.

(8) The apprentice jockey shall keep an accurate updated record of his/her first forty winners, to be recorded on the certificate by the clerk of scales.

(9) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:

(a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners:

(b) Seven pound allowance until the apprentice has ridden an additional thirty-five winners; and

(c) If an apprentice has ridden a total of forty winners prior to the end of a period of one year from the date of riding their fifth winner, the apprentice jockey shall have an allowance of five pounds until the end of that year;

(d) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden forty winners, the applicable weight allowance shall continue for one more year or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(e) An apprentice may waive the ten- or seven-pound allowance, but shall not be eligible to reinstate either allowance once waived.

(10) The commission may extend the period in which an apprentice jockey is allowed a weight allowance when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

(a) Physical disablement or illness;

(b) Military service;

(c) Attendance in an institution of secondary or higher education;

(d) Restriction on racing;

(e) Other valid reasons.

(11) In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven consecutive days during the period in

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which the apprentice was entitled to an apprentice weight allowance.

(12) The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation, verifying time lost as defined by this regulation.

(13) An apprentice may petition the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances granted by the commission, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-370, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 98-01-146, § 260-32-370, filed 12/19/97, effective 1/19/98.]

JOCKEY AGENTS

WAC 260-32-400 Powers and duties. (1) Each jockey agent shall be licensed by the commission.

(2) No jockey agent shall be the owner or trainer of any horse.

(3) A jockey agent may represent up to three jockeys.

(4) No jockey agent shall make or assist in making any engagement for any rider other than those he is licensed to represent, without prior approval of the board of stewards, which may be granted for a temporary time period not to exceed ten days.

(5) If a jockey agent is absent for a period of more than ten days, the jockey will be required to engage another jockey agent.

(6) Each jockey agent shall keep, on a form provided by the association, a record by races of all engagements made by him of the riders he is representing. This record must be kept up to date and held ready at all times for the inspection by the stewards.

(7) If any jockey agent gives up the making of engagements for any rider, he/she shall immediately notify the stewards, and he/she shall also turn over to the stewards a list of any unfilled engagements he/she may have made for that rider. A jockey agent may not drop a rider without notifying the board of stewards in writing. The stewards will decide all rival claims for the services of a rider. Jockey agents who fail to honor commitments made are subject to disciplinary action.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-400, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 92-21-027, § 260-32-400, filed 10/13/92, effective 11/13/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-073 (Order 79-03), § 260-32-400, filed 12/24/79. Rules of racing, § 174, filed 3/11/65; filed 4/21/61.]

WAC 260-32-410 Touting prohibited. A jockey agent shall not give to any one, directly or indirectly any information or advice pertaining to a race or engage in the practice commonly known as "touting" for the purpose of influencing any person, or that would tend to do so, in the making of a wager on the result of any race.

[Rules of racing, § 175, filed 4/21/61.]

WAC 260-32-420 Prohibited areas. A jockey agent is prohibited from entering the jockey quarters, winner's circle,

racings surface, paddock or saddling enclosure unless permitted by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-420, filed 3/10/06, effective 4/10/06; 82-09-016 (Order 82-03), § 260-32-420, filed 4/9/82.]

Chapter 260-34 WAC

DRUG AND ALCOHOL TESTING OF LICENSEES

WAC

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| 260-34-010 | Primary purpose. |
| 260-34-020 | Drug and alcohol violations. |
| 260-34-030 | Testing. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-34-035 | Exercising the privileges of their license. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-035, filed 3/11/05, effective 4/11/05.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-040 | Definitions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-040, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-040, filed 4/15/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-045 | Violations of the privileges granted licensees. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-045, filed 3/11/05, effective 4/11/05.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-050 | Reasonable suspicion. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-050, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-050, filed 4/15/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-060 | Refusal to test. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-060, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-060, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-060, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-070 | Responsibility to report valid prescriptions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-070, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-070, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-070, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-080 | Testing procedure. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-080, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-080, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-080, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-080, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-090 | A positive test. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-090, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-05-071, § 260-34-090, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-090, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-090, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-090, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-100 | Confidentiality of test results. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-100, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-100, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW |

260-34-110

67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-100, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-100, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-120

Consumption of alcohol. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-110, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-130

Alcohol violations defined. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-120, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-140

Consumption reasonable suspicion for testing. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-130, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-150

Alcohol levels determined. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-140, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-160

Alcohol testing. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-150, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-170

Refusal to be tested. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-160, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-180

Alcohol violation sanctions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-170, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-34-190

Testing expense. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-180, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-180, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-180, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-34-010 Primary purpose. In order to protect the integrity of horse racing in the state of Washington, and to protect the safety of the public and all participants, the Washington horse racing commission intends to regulate the use of any illegal controlled substances and the use of alcohol by licensees at all race meets. This chapter shall be applicable to all licensees or applicants on the grounds of any racetrack during its licensed race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-064, § 260-34-010, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-010, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-010, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-010, filed 4/15/88.]

WAC 260-34-020 Drug and alcohol violations. No licensee or applicant, while acting in an official capacity or participating directly in horse racing, shall commit any of the following violations:

(1) Be under the influence of or affected by intoxicating liquor and/or drugs, have an alcohol concentration of 0.08 percent or higher, or have within their body any illegal controlled substance while on the grounds of any licensed race meet;

- (2) Engage in the illegal sale or distribution of alcohol;
- (3) Engage in the illegal sale or distribution of a controlled substance;
- (4) Possess an illegal controlled substance;
- (5) Possess on the grounds of any licensed race meet any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance; or
- (6) Refuse to submit to blood, breath and/or urine testing, when notified that such testing is conducted pursuant to the conditions of WAC 260-34-030.

Failure to provide a blood, breath and/or urine sample when directed or intentional contamination of the sample by any person tested for the purpose of preventing accurate analysis of the sample, or other actions with intent to subvert the test, shall be considered a refusal to submit to a test.

"Controlled substance" or "drug" as used in this chapter means any substance listed in chapter 69.50 RCW or legend drug as defined in chapter 69.41 RCW. The presence of a controlled substance or drug in any quantity measured by the testing instrument establishes the presence of that substance for the purpose of this section. The fact that a licensee or applicant is or has been entitled to use a drug under the laws of the state of Washington shall not constitute a defense against a violation for being under the influence of or affected by intoxicating liquor and/or any drug.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-064, § 260-34-020, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-020, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-020, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-020, filed 4/15/88.]

WAC 260-34-030 Testing. (1) A steward of the horse racing commission, a commission security investigator or the commission, acting through the executive secretary, may require any licensee or applicant to provide breath blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(a) When a steward or commission security investigator finds that there is reasonable suspicion to believe that the applicant or licensee has used or is under the influence of alcohol and/or any drug.

(b) When an applicant or licensee has a documented history of an unexplained positive test which indicates illegal drug usage or has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation within five years of conviction or release from a correctional institution for that violation. The term "correctional institution" shall include any prison, jail or similar institution in this state or elsewhere.

(c) When a steward or commission security investigator decides to test any licensee or applicant as a condition of any conditional or probationary license.

(2) For licensees or applicants who are subject to a field screening urine test under the provisions in this chapter, and whose test shows the presence of a controlled substance or

alcohol, the field screening test results shall be confirmed by a laboratory acceptable to the commission.

(3) The result of a test conducted with a preliminary breath test (PBT) instrument approved by the state toxicologist in chapter 448-15 WAC or other breath test equipment approved under chapter 448-16 WAC shall constitute evidence of a violation of these rules. The results of such a test may be considered for purposes of determining whether the licensee or applicant has consumed alcohol, the level of alcohol concentration, and whether the licensee or applicant has violated a prohibition on the use or consumption of alcohol established in a conditional license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-064, § 260-34-030, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-030, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-030, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-030, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-030, filed 4/15/88.]

Chapter 260-36 WAC LICENSES

WAC

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| 260-36-010 | License required. |
| 260-36-015 | Age requirement for license. |
| 260-36-030 | Veterinarians—License required. |
| 260-36-050 | Application for license. |
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| 260-36-240 | Industrial insurance coverage—Reciprocal agreements. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-36-020 | Licenses required of jockeys, apprentices, owners, trainers. [Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-007 (Order 89-03), § 260-36-020, filed 6/9/89; 86-09-072 (Order 86-02), § 260-36-020, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-020, filed 6/25/82; Rules of racing, § 245, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-040 | Registration of personnel other than owners, trainers and jockeys—Fee. [Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-040, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 02-10-101, § 260-36-040, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-007 (Order 89-03), § 260-36-040, filed 6/9/89; 87-15-019 (Resolution No. 87-02), § 260-36-040, filed 7/8/87; 86-09-072 (Order 86-02), § 260-36-040, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-040, filed 6/25/82; Rules of racing, § 343, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-070 | Licenses temporary subject to commission approval. [Rules of racing, § 346, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-090 | Duplicate license cards. [Statutory Authority: RCW 67.16.020 [67.16.020] and 67.16.040. 82-14-012 (Order |

- 82-05), § 260-36-090, filed 6/25/82; Rules of racing, § 344, filed 4/21/61.] Repealed by 04-24-019, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020.
- 260-36-130 Revocation for association with disreputable persons. [Rules of racing, § 380, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-36-140 Harboring person not having credentials. [Rules of racing, § 353, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-36-160 Personnel lists. [Rules of racing, §§ 355, 356 and 357, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-36-190 Facsimile for owners may be used. [Statutory Authority: RCW 67.16.020 and 67.16.040. 91-03-033, § 260-36-190, filed 1/9/91, effective 1/22/91.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-36-010 License required. Any person acting in an official capacity or any person participating directly in horse racing must have a valid license. Commissioners and employees of the commission do not require a license. Persons employed by a racing association who only perform duties of concessions, housekeeping, parking, food and beverage, landscaping or similar functions, and do not act in an official capacity or participate directly in horse racing are not required to be licensed. Decisions regarding who is required to be licensed, if not addressed in this chapter, will be made by the executive secretary. It is a violation of these rules for any person to act in an official capacity or participate directly in horse racing unless licensed by the commission.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-010, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-010, filed 2/9/06, effective 3/12/06. Rules of racing, § 348, filed 4/21/61.]

WAC 260-36-015 Age requirement for license. Applicants for licensing must be at least fourteen years of age unless otherwise specified. An applicant may be required to submit a certified copy of his/her birth certificate.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-015, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-015, filed 2/9/06, effective 3/12/06.]

WAC 260-36-030 Veterinarians—License required. Veterinarians licensed by the commission may also apply for a trainer's license. A licensee holding a veterinarian and a trainer's license is subject to the following restrictions:

(1) The licensee may treat, using veterinary methods, only those horses for which he/she is the trainer of record.

(2) Notwithstanding subsection (1) of this section, during an emergency on the grounds of the racing association, the licensee may respond and assist at the scene of the emergency. Any veterinary treatment provided at the scene must be reported in writing to the official veterinarian. The report will include, at a minimum, the names of horses treated and treatment rendered. The report must be filed by the next race day's first race.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-030, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-030, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-030, filed 11/22/04, effective 12/23/04; 04-15-039, § 260-36-030, filed 7/12/04, effective 8/12/04. Statutory Authority: RCW 67.16.040. 91-24-085, § 260-36-030,

filed 12/4/91, effective 1/4/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-007 (Order 89-03), § 260-36-030, filed 6/9/89; 86-09-072 (Order 86-02), § 260-36-030, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-030, filed 6/25/82. Rules of racing, § 350, filed 4/21/61.]

WAC 260-36-050 Application for license. All applications for a license must be made to the commission on approved forms. It is a violation of these rules for any person applying for a license to provide false information or fail to provide accurate and complete information. Persons completing an application are responsible for the accuracy and completeness of the information contained on the application. Applicants may be required to have their photograph taken. The commission, executive secretary, stewards, or security investigators, in their discretion, may require a photograph from any applicant or licensee at any time.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-050, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-050, filed 2/9/06, effective 3/12/06. Rules of racing, § 351, filed 4/21/61.]

WAC 260-36-060 Application for license—Stewards' review. (1) Applications for an initial license submitted by trainers, assistant trainers, jockeys, apprentice jockeys, jockey agents, exercise riders, pony riders, or outriders must be reviewed by a steward to determine if the applicant is qualified for the license requested.

(a) All assistant trainers must also obtain a groom license.

(b) Jockeys must have an exercise rider license to perform exercise rider duties.

(2) The determination whether an applicant is qualified for the license will be made by a steward based on review of the application, and, at the discretion of the steward, the applicant may also be required to do one or more of the following:

(a) Pass a written exam;

(b) Appear for an oral interview either in person or by phone; or

(c) Demonstrate skills required for the license.

If a steward determines that an applicant is not qualified to receive the license requested, the applicant will be notified and provided an opportunity to request a stewards' ruling conference on that issue.

(3) If an applicant has been previously determined, within the past five years, to be qualified for the license requested, review of the applicant's qualifications for that license is not necessary for subsequent license applications for the same type of license. An applicant may be determined to be qualified for the license requested if that person has been licensed in this state or other recognized jurisdiction in the past five years.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-060, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-060, filed 2/9/06, effective 3/12/06. Rules of racing, § 352, filed 4/21/61.]

WAC 260-36-062 Fitness to participate. (1) All applicants for a jockey, apprentice jockey, exercise rider, pony rider or outrider license must certify on their application that they are physically fit to ride.

(2) During the conduct of a race meet, if the board of stewards finds that a threat to the public health, safety or welfare requires emergency action, the board of stewards may require a jockey, apprentice jockey, exercise rider, pony rider or outrider to provide a physician's written statement verifying fitness to ride before being allowed to ride in a race or on the grounds of the racing association.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-062, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-062, filed 2/9/06, effective 3/12/06.]

WAC 260-36-065 Approval of application for license.

The procedure for processing license applications will be determined by the executive secretary.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-065, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-065, filed 2/9/06, effective 3/12/06.]

WAC 260-36-080 Duration of a license. (1) Every license issued by the commission will be for a term not exceeding one year. Licenses expire on December 31st of each year except as otherwise provided in this rule.

(2) Licenses issued to employees of a racing association will be for a term of one year and expire on the last day of February of each year.

(3) A license will be considered expired as of the date a licensee is no longer performing the activities for which he or she was licensed, or, if applicable, the date the licensee is no longer employed by the employer who hired the licensee. The commission or its designee may, at its sole discretion, reinstate such a license if the licensee is reemployed or begins performing the activities for which he or she was licensed prior to the end of the license period for which the license had been originally issued.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-080, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-080, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-080, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 94-04-002, § 260-36-080, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-36-080, filed 4/21/86. Rules of racing, § 345, filed 4/21/61.]

WAC 260-36-085 License and fingerprint fees. The following are the license fees for any person actively participating in racing activities:

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| Apprentice jockey | \$69.00 |
| Assistant trainer | \$32.00 |
| Association employee—management | \$21.00 |
| Association employee—hourly/seasonal | \$11.00 |
| Association volunteer nonpaid | No fee |
| Authorized agent | \$21.00 |
| Clocker | \$21.00 |
| Exercise rider | \$69.00 |
| Groom | \$21.00 |
| Honorary licensee | \$11.00 |
| Jockey agent | \$69.00 |
| Jockey | \$69.00 |
| Other | \$21.00 |
| Owner | \$69.00 |
| Pony rider | \$69.00 |

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| Service employee | \$21.00 |
| Spouse groom | \$21.00 |
| Stable license | \$42.00 |
| Trainer | \$69.00 |
| Vendor | \$106.00 |
| Veterinarian | \$106.00 |

The license fee for multiple licenses may not exceed \$106.00, except persons applying for owner, veterinarian or vendor license must pay the license fee established for each of these licenses.

The following are examples of how this section applies:

Example one - A person applies for the following licenses: Trainer (\$69.00), exercise rider (\$69.00), and pony rider (\$69.00). The total license fee for these multiple licenses would only be \$106.00.

Example two - A person applies for the following licenses: Owner (\$69.00), trainer (\$69.00) and exercise rider (\$69.00). The total cost of the trainer and exercise rider license would be \$106.00. The cost of the owner license (\$69.00) would be added to the maximum cost of multiple licenses (\$106.00) for a total license fee of \$175.00.

Example three - A person applies for the following licenses: Owner (\$69.00), vendor (\$106.00), and exercise rider (\$69.00). The license fees for owner (\$69.00) and vendor (\$106.00) are both added to the license fee for exercise rider (\$69.00) for a total license fee of \$244.00.

In addition to the above fees, a \$10.00 fee will be added to cover the costs of conducting a fingerprint-based background check. The background check fee will be assessed only once annually per person regardless of whether the person applies for more than one type of license in that year.

The commission will review license and fingerprint fees annually to determine if they need to be adjusted to comply with RCW 67.16.020.

[Statutory Authority: RCW 67.16.020. 07-01-054, § 260-36-085, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-085, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-085, filed 11/22/04, effective 12/23/04.]

WAC 260-36-100 Fingerprints. Every person applying for a license must furnish the commission his or her fingerprints upon making an initial application for a license and at least once every three years thereafter. However, the commission, executive secretary, stewards, or security investigators, in their discretion, may require fingerprints from any applicant or licensee at any time.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-100, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-100, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-100, filed 11/22/04, effective 12/23/04. Rules of racing, § 349, filed 4/21/61.]

WAC 260-36-110 Display of license. (1) Licensees must present their license when requested to do so by racing association security personnel or commission employees.

(2) The commission may require licenses to be displayed in plain view while on association grounds.

(3) Every licensee must have his/her commission license in his/her immediate possession at all times when in any

restricted area of racing association grounds, acting in an official capacity or participating directly in horse racing.

[Statutory Authority: RCW 67.16.020, 07-01-052, § 260-36-110, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-110, filed 2/9/06, effective 3/12/06; 81-15-034 (Order 81-06), § 260-36-110, filed 7/10/81. Rules of racing, § 28, filed 4/21/61.]

WAC 260-36-120 Denial, suspension, and revocation—Grounds. (1) The commission or its designee may refuse to issue or may deny a license to an applicant, may modify or place conditions upon a license, may suspend or revoke a license issued, may order disciplinary measures, or may ban a person from all facilities under the commission's jurisdiction, if the applicant licensee, or other person:

(a) Has been convicted of violating any law regarding gambling or a controlled substance;

(b) Has pending misdemeanor or gross misdemeanor criminal charges, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;

(c) Has failed to meet the minimum qualifications required for the license for which they are applying;

(d) Has failed to disclose or states falsely any information required in the application;

(e) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

(f) Has a proceeding pending to determine whether the applicant or licensee has violated the rules of racing in this state or other racing jurisdiction;

(g) Has been or is currently excluded from a racetrack at which parimutuel wagering on horse racing is conducted by a recognized racing jurisdiction;

(h) Has had a license denied by any racing jurisdiction;

(i) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or who may interfere or has interfered with the orderly conduct of a race meeting;

(j) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;

(k) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;

(l) Has violated any of the provisions of chapter 67.16 RCW;

(m) Has violated any provisions of Title 260 WAC;

(n) Has association with persons of known disreputable character; or

(o) Has not established the necessary skills or expertise to be qualified for a license as required by WAC 260-36-060.

(2) The commission or its designee must deny the application for license or suspend or revoke an existing license if the applicant or licensee:

(a) Has been convicted of any felony crime against a person. "Crime against a person" means a conviction for any offense enumerated in chapters 9A.32, 9A.36, 9A.40, 9A.42, and 9A.44 RCW, or an offense which would constitute an offense enumerated in those chapters if committed in Washington state;

(b) Has been convicted of any felony drug crime involving the possession or use of any drug as defined in chapter

69.41 RCW or any controlled substance as defined in chapter 69.50 RCW within the past three years;

(c) Has been convicted of any other felony drug crime as defined in chapter 69.41 RCW or felony crime involving a controlled substance as defined in chapter 69.50 RCW, or a felony drug crime which would constitute an offense enumerated in those chapters if committed in Washington state;

(d) Has been convicted of any other felony crime within the past ten years. Other felony crime includes any felony conviction not listed in (a), (b), and (c) of this subsection. This also includes an offense committed in another jurisdiction, which would constitute a felony if committed in Washington state;

(e) Has five or more convictions for gross misdemeanors within the last three years, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;

(f) Is subject to current prosecution or pending charges for any felony crime;

(g) Has any felony conviction under appeal;

(h) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;

(i) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order; or

(j) Has any outstanding arrest warrants.

(3) In considering a challenge of a decision denying or revoking a license pursuant to subsection (2) of this section, the commission may only reverse the denial or revocation on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.

(4) A license suspension or revocation will be reported in writing to the applicant or licensee and the Association of Racing Commissioners International, Inc.

[Statutory Authority: RCW 67.16.020, 07-01-052, § 260-36-120, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-120, filed 2/9/06, effective 3/12/06; 05-05-047, § 260-36-120, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020, 04-07-075, § 260-36-120, filed 3/15/04, effective 4/15/04. Rules of racing, § 347, filed 4/21/61; sub. (2) added as rule § 347(a), filed 1/21/64.]

WAC 260-36-150 Employing or harboring an unlicensed person. No racing association or licensee may employ an unlicensed person in a position for which a license is required by these rules. No licensee may harbor any unlicensed person in the restricted areas on the grounds of any class A or B racing association.

[Statutory Authority: RCW 67.16.020, 07-01-052, § 260-36-150, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-150, filed 2/9/06, effective 3/12/06. Rules of racing, § 354, filed 4/21/61.]

WAC 260-36-180 Authority to search. In order to protect the integrity of horse racing and to protect the interests and safety of the public and participants, the commission and its employees have the right to enter into or upon the buildings, stables, rooms, motor vehicles or other places within the grounds of a racing association to examine the same and to inspect and examine the personal property and effects of any licensee within such places. Any person who has been

granted a license by the commission, by accepting a license, authorizes the commission or its employees to search his/her person and the areas indicated herein and to seize any medication, drugs, paraphernalia or device prohibited by the rules of racing, or other evidence of a violation of the rules of racing. If a licensee refuses to allow a search, the board of stewards must revoke his/her license and refer the matter to the commission.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-180, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-180, filed 2/9/06, effective 3/12/06; 05-05-043, § 260-36-180, filed 2/14/05, effective 3/17/05; 81-09-075 (Order 81-03), § 260-36-180, filed 4/22/81.]

WAC 260-36-200 Application for owner's license by trainer. (1) A trainer may submit an application for an owner's license on behalf of an owner. Upon submitting such application, the trainer must pay all license fees and required labor and industries premiums.

(2) Within fourteen days of the trainer's submission of a license application on behalf of an owner, the owner must complete the license application process by providing fingerprints, a photograph, and any other information required by the commission. If the owner fails to complete the application process within the fourteen days, the board of stewards may revoke the owner's license.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-200, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-200, filed 2/9/06, effective 3/12/06; 05-09-045, § 260-36-200, filed 4/18/05, effective 5/19/05; 91-03-033, § 260-36-200, filed 1/9/91, effective 1/22/91.]

WAC 260-36-210 Owner's license. There is no age limitation for a person to apply for and be granted an owner's license, except that persons under the age of eighteen must have a parent or guardian assume financial responsibility for them.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-210, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-210, filed 2/9/06, effective 3/12/06.]

WAC 260-36-220 Industrial insurance premiums. (1) At the time of licensing, a trainer must pay industrial insurance premiums established by labor and industries, unless exempted under WAC 260-36-240.

(2)(a) A trainer at a Class A or B track must pay an industrial insurance premium for exercise riders based upon the number of stalls the trainer has both on and off the grounds of a racing association. The registration papers filed in the race office may be used to determine the number of stalls the trainer has on the grounds. As to stalls off the grounds of a racing association, a trainer must count all stalls that are used for horses subject to being ridden by licensed exercise riders employed by the trainer, where those exercise riders are subject to Washington labor and industries industrial insurance coverage.

(b) In the event the number of stalls a trainer has on the grounds or the registration papers in the race office are unavailable, the number of industrial insurance premiums for exercise riders will be based upon the number of stalls or papers in the race office from the previous year.

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(c) The number of exercise riders for which a trainer is required to pay industrial insurance premiums will be determined as follows:

(i) For zero to twelve stalls a trainer must pay an industrial insurance premium for one exercise rider;

(ii) For thirteen to twenty-four stalls a trainer must pay an industrial insurance premium for two exercise riders;

(iii) For twenty-five to thirty-six stalls a trainer must pay an industrial insurance premium for three exercise riders;

(iv) For thirty-seven or more stalls a trainer must pay an industrial insurance premium for four exercise riders.

(3) The calculation of exercise rider industrial insurance premiums for trainers at Class C racetracks is the total number of horses listed under that trainer at all the Class C racetracks. The number of exercise riders for which a trainer is required to pay industrial insurance premiums will be determined as follows:

(a) For zero to twelve horses listed, a trainer must pay an industrial insurance premium for one exercise rider;

(b) For thirteen to twenty-four horses listed, a trainer must pay an industrial insurance premium for two exercise riders;

(c) For twenty-five to thirty-six horses listed, a trainer must pay an industrial insurance premium for three exercise riders; and

(d) For thirty-seven or more horses listed, a trainer must pay an industrial insurance premium for four exercise riders.

(4) If any trainer increases the number of horses listed or the number of stalls on or off the grounds during the license year, the trainer must pay an additional exercise rider industrial insurance premium owed as provided in this section.

[Statutory Authority: [RCW 67.16.020.] 07-01-051, § 260-36-220, filed 12/14/06, effective 1/14/07.]

WAC 260-36-230 Short duration industrial insurance coverage. (1) Trainers entering horses to run in Washington races will be allowed to obtain short duration industrial insurance coverage under the following conditions:

(a) Trainers who ship in to Class A or B race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. The trainer must pay twenty percent of the trainer base premium, and twenty percent for each groom slot obtained, assistant trainer hired, and each exercise rider as required in WAC 260-36-220 (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums for Class A or B race meets. A trainer may only purchase Class A or B race meet short duration coverage for three seven-day periods per calendar year.

(b) Trainers who ship in to Class C race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. The trainer must pay twenty percent of the trainer base premium, and twenty percent of each groom slot obtained, assistant trainer hired, and each exercise rider as required in WAC 260-36-220 (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums for Class C race meets. A trainer may only purchase Class C race meet short duration coverage for three seven-day periods per calendar year. Class C race meet short duration industrial insurance coverage is not transferable to a Class A or B race meet.

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(2) Before short duration coverage will be allowed, a trainer must obtain a license and pay all applicable license and fingerprint fees required in WAC 260-36-085. The trainer is also required to ensure that each groom, assistant trainer, pony rider, and exercise rider hired by the trainer has a proper license. A trainer may only employ persons on the grounds of the racing association who are properly licensed by the commission.

[Statutory Authority: [RCW 67.16.020.] 07-01-051, § 260-36-230, filed 12/14/06, effective 1/14/07.]

WAC 260-36-240 Industrial insurance coverage—Reciprocal agreements. The state of Washington has reciprocal agreements with other states. Trainers shipping in from these jurisdictions who have industrial insurance from a reciprocal state need not obtain industrial insurance coverage so long as they comply with the conditions of RCW 51.12.120 and WAC 296-17-31009.

[Statutory Authority: [RCW 67.16.020.] 07-01-051, § 260-36-240, filed 12/14/06, effective 1/14/07.]

Chapter 260-40 WAC

ENTRIES, STARTS, DECLARATIONS AND SCRATCHES

WAC

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WAC 260-40-010 Declarations and scratches. (1) No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent, or some person deputized by him shall have given due notice in writing to the racing secretary before the time stipulated by the regulations of the association.

(2) For stake races, if a horse is not named through the entry box the day before the race at the usual time of closing, the horse is automatically out.

(3) The declaration of a horse out of an engagement is irrevocable.

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(4) All horses must be scratched at designated scratch time set by racing secretary.

(5) If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant, otherwise, the declaration shall not be accepted as of the time alleged.

(6) Any trainer who has entered a horse, will be allowed the right and privilege of scratching from said race prior to scratch time, until there remain in the race only eight inter-ests. If there are more requests to withdraw than are available, permission to withdraw shall be decided by lot. However, in all races involving the daily double, no entry may be with-drawn that would reduce the starting field to less than the number designated by the racing secretary, without permis-sion of the stewards. No other entries will be excused as pro-vided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or other causes acceptable to the stewards.

[Rules of racing, §§ 82 through 87, filed 4/21/61.]

WAC 260-40-020 Entry prerequisite to start. A horse shall not be qualified to start in any race unless he has been and continues properly entered therein.

[Rules of racing, § 93, filed 4/21/61.]

WAC 260-40-030 Racing secretary to receive entries and declarations. For all races, the racing secretary is the person authorized to receive entries and declarations.

[Rules of racing, § 94, filed 4/21/61.]

WAC 260-40-040 Entries and declarations, how made—Blank forms. (1) Entries and declarations shall be made in writing and signed by the owner of the horse, or his authorized agent or some person deputized by him, and each association shall provide blank forms on which entries and declarations are to be made.

(2) Entries may be made by telephone or telegraph, but must be confirmed promptly in writing.

[Rules of racing, §§ 95, 96, filed 4/21/61.]

WAC 260-40-050 Ownership interest required. No person not having an interest in a horse, equal at least to the interest or property of any other one person is entitled to enter the horse in a race as the owner.

[Rules of racing, § 97, filed 4/21/61.]

WAC 260-40-060 Joint subscriptions and entries. Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and separately liable for all fees and forfeits.

[Rules of racing, § 98, filed 4/21/61.]

WAC 260-40-070 Description and identification of horse. (1) If entered for the first time, a horse shall be identi-fied by stating his name, color, sex and age, and the name of his sire and dam, as registered. This description must be repeated in every entry until a description of the horse with his name has been published in the official program or the list of entries of the association, or in such other publication as

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the commission may designate. In every entry after such publication, his name and age will be sufficient.

(2) That all horses be classified on a racing program by clear definitions.

(3) For racing purposes and programming, horses shall be designated as follows:

- (a) Male - horse, colt, gelding or ridgling.
- (b) Female - filly or mare.

[Rules of racing, § 99, filed 4/21/61; Subsections (2) and (3) added, filed 3/11/65.]

WAC 260-40-080 Refusal of entries and transfers.

The entries of any person, or the transfer of any entry, may be refused without notice for reasons deemed to be in the best interest of racing.

[Rules of racing, § 100, filed 4/21/61.]

WAC 260-40-090 Jockey club registration certificate. No horse shall be allowed to enter or start unless a jockey club registration certificate or a American Quarter Horse Association certificate of registration is on file in the office of the racing secretary, with the exception that the stewards may, in their discretion, for good cause, waive this requirement, if the horse is otherwise properly identified.

[Order 3, § 260-40-090, filed 5/12/69; Rules of Racing, § 101, filed 4/21/61.]

WAC 260-40-100 Performance records. It is the intent of the commission that the public be provided with all relevant information regarding a horse's recent racing and workout record; Therefore:

(1) The owner/and or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track, must furnish the racing secretary prior to the entry of such horse to any race in this state, performance records of said horse's races during the past year, or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, shall not be penalized for such winnings in races run at any other meeting other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, shall not be penalized for such winnings except at Class C tracks. For other breeds, all wins, including the maiden wins, shall be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian jockey club, the American quarter horse association, the appaloosa horse club, or other breed registry as authorized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase shall be published in the official program of the racing association or posted and announced no later than the time that wagering opens for that day's racing. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the commission.

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(4) All wins shall be considered in eligibility requirements of horses running at Class C racing association meets.

(5) A horse shall not start unless it has participated in an official or recognized race or has a published or stewards approved workouts, which meet the following criteria:

(a) A horse that has not run in an official or recognized race must have two official workouts, and at least one such workout must be held thirty days prior to race day.

(b) A horse that has not started in an official or recognized race for a period of sixty days or more must have a published or steward approved workout held thirty days prior to race day.

(6) The workout must have occurred at a parimutuel or commission recognized facility. The association may impose more stringent workout requirements. The trainer or trainer's designee shall be required to identify horse's registered name, the distance the horse is to be worked and the point on the track where the workout will start. A horse shall not be taken onto the track for training or a workout except during the hours designated by the association.

[Statutory Authority: RCW 67.16.020. 04-09-026, § 260-40-100, filed 4/13/04, effective 5/14/04. Statutory Authority: RCW 67.16.040. 00-07-039, § 260-40-100, filed 3/6/00, effective 4/6/00; 95-18-016, § 260-40-100, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-40-100, filed 4/21/86. Statutory Authority: RCW 67.16.020. 78-08-089 (Order 78-2), § 260-40-100, filed 7/31/78; Order 74.2, § 260-40-100, filed 10/30/74, effective 1/1/75; Rules of racing, §§ 102, 103, filed 4/21/61; Subsection (4) added, filed 3/11/65.]

WAC 260-40-110 Horse must be in care of, saddled by, licensed trainer. No horse shall be permitted to enter or to start unless he is in the care of and is saddled by a licensed trainer.

[Rules of racing, § 104, filed 4/21/61.]

WAC 260-40-120 Identification prerequisite to start. No horse shall be permitted to start that has not been fully identified. All horses shall be properly tattooed by the thoroughbred racing protective bureau or an approved breeding association, or freeze marked in a manner which meets the standards of the National Crime Information Center. Responsibility in the matter of establishing either the identity of a horse or its complete and actual ownership shall be as binding on the persons so identifying or undertaking to establish the identity of a horse as it is on the person having the horse requiring identification. The same penalty shall apply to any party engaging in fraud or attempt at fraud.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-40-120, filed 7/10/81; Rules of racing, § 105, filed 4/21/61.]

WAC 260-40-130 Stabling. No horse shall be permitted to enter or to start unless stabled on the grounds of the association, or in stabling approved by said commission.

[Rules of racing, § 106, filed 4/21/61.]

WAC 260-40-140 Horse must be eligible to start at time of entry. All horses must be eligible to start at time of entry.

[Rules of racing, § 108, filed 4/21/61.]

WAC 260-40-145 Prohibiting entry of certain horses.

(a) No horse shall be allowed to enter or start if the highest official regulatory racing body having jurisdiction of the offense previously has determined that the horse was knowingly entered or raced under a name other than its own by a person having lawful custody or control of the animal at the time it was so entered or raced.

(b) No horse shall be allowed to enter or start if it has been previously determined by the highest official regulatory racing body having jurisdiction of the offense that a person having lawful custody or control of the animal participated in or assisted in the entry of racing some other horse under the name of the horse in question.

(c) For the purposes of paragraphs (a) and (b) above, the "name" of the horse means the name reflected in the registration certificate or racing permit issued with respect to the horse in question by the jockey club.

[Order 73.7, § 260-40-145, filed 12/3/73.]

WAC 260-40-150 Compliance with partnership registration. No horse involved in a partnership shall be permitted to enter or to start until the rules for the registration of partnerships have been complied with.

[Rules of racing, § 109, filed 4/21/61.]

WAC 260-40-160 Horse owned or managed by disqualified person. (1) A horse shall not be qualified to be entered or to start in any race, if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified person.

(2) If any entry from any disqualified person or a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed forty-five minutes before post time for the race. Otherwise, any such money shall be paid to the winner.

(3) A horse is ineligible to start in a race when it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted.

[Statutory Authority: RCW 67.16.020. 04-07-076, § 260-40-160, filed 3/15/04, effective 4/15/04; Rules of racing, §§ 110, 111, 112, filed 4/21/61.]

WAC 260-40-170 Horse on starter's schooling list. No horse on the starter's schooling list shall be entered for a race.

[Rules of racing, § 113, filed 4/21/61.]

WAC 260-40-180 Horse on veterinarian's list. No horse on the veterinarian's list shall be qualified to be entered, or to start.

[Rules of racing, § 114, filed 4/21/61.]

WAC 260-40-185 Entries. Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately, and that office must note the same on the foal certificate.

[Order 4, § 260-40-185, filed 12/24/69.]

[Title 260 WAC—p. 54]

WAC 260-40-190 Sale to disqualified person voids engagements. If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of sale.

[Rules of racing, § 115, filed 4/21/61.]

WAC 260-40-200 Double entries. A trainer may enter and start no more than two horses of the same or separate ownership in a purse race or overnight event. When making a double entry of horses of the same ownership the owner or trainer must express a preference; and in no case, other than a stake race, will two horses of the same ownership be allowed to start to the exclusion of a single entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 83-16-075 (Order 83-02), § 260-40-200, filed 8/3/83; 80-01-034 (Order 79-06), § 260-40-200, filed 12/17/79; Rules of racing, § 116, filed 4/21/61; revised 5/4/62, filed 1/21/64.]

WAC 260-40-210 Withdrawal, change, of unclosed race. The association shall have the right to withdraw or change any unclosed race.

[Rules of racing, § 117, filed 4/21/61.]

WAC 260-40-220 Race declared off—Split of overnight race. If a race is declared off because of insufficient entries, the association may split any overnight race which may have closed and cause a new drawing for post positions.

[Rules of racing, § 118, filed 4/21/61.]

WAC 260-40-230 Subscription to sweepstakes. An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may, before the time of closing, be altered or withdrawn.

[Rules of racing, § 119, filed 4/21/61.]

WAC 260-40-240 Entrance money. (1) A horse shall not become a starter for a race unless there has been duly paid any stakes or entrance money payable in respect to that race.

(2) Entrance money is not refunded on the death of a horse, or his failure to start.

(3) The nominator is liable for the entrance money or stake, and the death of a horse or mistake in its entry when eligible, does not release the subscriber or transferee from liability for stakes, and the entrance money to a purse that is run off shall not be returned on the death of a horse or its failure to start for any cause whatever.

[Rules of racing, §§ 120, 121, 122, filed 4/21/61.]

WAC 260-40-250 Closing. (1) Entries shall be closed at an advertised time, and no entry accepted thereafter. The racing secretary, however, with the consent of the stewards, may postpone closing of overnight races.

(2) In the absence of notice to the contrary entrance and declarations for sweepstakes, which close during or on the eve of a race meeting, close at the office of the racing secretary, who shall make provision therefor. Closing at all other times for sweepstakes shall be at the office of the association.

(3) When an hour for closing is designated, entries and declaration for sweepstakes cannot be received afterwards; but if an hour is not designated, they may be mailed or tele-

graphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

(4) If a miscarriage of any entry of declaration in a stake is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time or it shall not be received.

(5) Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.

[Rules of racing, §§ 123, 124, 125, 126, 127, filed 4/21/61.]

WAC 260-40-260 Number of entries and starters. (1)

In a stake race the number of horses to compete will be limited only by the number of horses duly nominated.

(2) If the number of entries to any purse race is in excess of the number of horses that may, because of track limitations, be permitted to start, the "starters" for the race and their post positions shall be determined by lot in the presence of those making the entries. The same methods shall be employed in determining the starters and post positions in split races.

(3) A list of names not to exceed six may be drawn from the overflow entries and listed as eligible to start as originally carded horses are withdrawn, but the order in which such horses so drawn shall become eligible to start and their post position shall be determined by the provisions of WAC 260-52-020. Any owner, trainer, or his authorized agent having a horse so eligible and who does not wish to start, shall file a scratch card not later than the scratch time designated for that day.

[Rules of racing, §§ 128, 129, 130, filed 4/21/61.]

WAC 260-40-270 Alterations, corrections, after closing. No alteration shall be made in any entry after closing of entries, but an error may be corrected.

[Rules of racing, § 131, filed 4/21/61.]

WAC 260-40-280 Impaired horses. An owner or trainer shall not enter or start a horse that:

(1) Is not in serviceably sound racing condition.

(2) Has been trachea-tubed.

(3) Has been nerved.

(a) Horses that have had a digital neurectomy (heel nerves) may be permitted to race subject to the prerace veterinary examination.

(b) Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves above the ankle will not be permitted to race.

(4) Has impaired eyesight in both eyes.

[Statutory Authority: RCW 67.16.040, 90-19-001, § 260-40-280, filed 9/6/90, effective 10/7/90; Rules of racing, § 177, filed 4/21/61.]

Chapter 260-42 WAC

POSTPONEMENTS, CANCELLATIONS AND PREFERENCES

WAC

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|------------|---------------------------------------|
| 260-42-010 | Postponement from day to day. |
| 260-42-020 | Refunds when stake race declared off. |
| 260-42-030 | Public notice. |
| 260-42-040 | Preferences—Preferred list. |

(2007 Ed.)

WAC 260-42-010 Postponement from day to day.

The stewards may postpone a race from day to day until an off day intervenes.

[Rules of racing, § 212, filed 4/21/61.]

WAC 260-42-020 Refunds when stake race declared off. If a stake race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.

[Rules of racing, § 213, filed 4/21/61.]

WAC 260-42-030 Public notice. Public notice shall be given at the earliest practicable time if a published race is declared off.

[Rules of racing, § 214, filed 4/21/61.]

WAC 260-42-040 Preferences—Preferred list. (1) If a horse has been excluded twice consecutively, he shall have preference over a horse excluded only once and so on.

(2) The name of no horse shall be placed on the preferred list if the owner thereof did not accept, when presented, the opportunity of starting.

(3) Horses whose names appear in the entries and have an opportunity to start will be given no consideration whatsoever should they be entered for the following day and the race overfill. (Stakes excepted.)

(4) A copy of the preferred list will be posted each afternoon and any claim of error must be made by 4:00 p.m. of the following racing day, and no claim of error not made within the prescribed time will be recognized by the stewards.

(5) In entering horses on the preferred list a claim of preference must be made at time of entry and noted on the entry, or the preference shall be lost, and no claim of error will be considered by the stewards if the person making the claim has signed an entry not marked in keeping with this rule.

[Rules of racing, §§ 215 through 219, filed 4/21/61.]

Chapter 260-44 WAC WEIGHTS AND EQUIPMENT

WAC

| | |
|------------|---|
| 260-44-010 | Equipment changes. |
| 260-44-020 | Weights for age. |
| 260-44-030 | Penalties and allowances. |
| 260-44-040 | Weighing out—Time for. |
| 260-44-050 | Weighing out—Equipment included in jockey's weight. |
| 260-44-080 | Weighing out—Overweight—Declarations—Posting—Maximum. |
| 260-44-090 | Weighing out—Trainer responsible for weight. |
| 260-44-100 | Weighing out—Attendants. |
| 260-44-110 | Weighing in—Procedure. |
| 260-44-120 | Weighing in—Weigh in/weigh out—Tolerances—Penalties. |
| 260-44-150 | Horseshoes. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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|------------|---|
| 260-44-060 | Weighing out—Equipment not included. [Statutory Authority: RCW 67.16.040, 93-23-011, § 260-44-060, filed 11/5/93, effective 12/6/93; Rules of racing, § 302, filed 4/21/61.] Repealed by 06-07-063, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-44-070 | Weighing out—Bridle, whip, maximum weights and measurements. [Statutory Authority: RCW 67.16.040. |

[Title 260 WAC—p. 55]

00-06-071, § 260-44-070, filed 3/1/00, effective 4/1/00; Rules of racing, § 303, filed 4/21/61.] Repealed by 06-07-063, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-44-010 Equipment changes. (1) The starter and the stewards must approve the addition or removal of blinkers. Approval by the starter must be obtained before the stewards will consider approving the change.

(2) The stewards must approve the addition or removal of front leg wraps.

(3) A trainer may tie down a horse's tongue. The stewards may monitor the use of tongue ties.

(4) Whips shall be considered standard equipment in all horse races.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-010, filed 3/10/06, effective 4/10/06; Order 73.1, § 260-44-010, filed 5/18/73. Rules of racing, § 132, filed 4/21/61.]

WAC 260-44-020 Weights for age. The following weights are carried when they are not stated in the conditions of the race:

SCALE OF WEIGHTS FOR AGE

| Distance | Age | June | July | Aug. | Sept. |
|----------------------------------|-------------------|------|------|------|-------|
| Half Mile | 2 years | | | 105 | 108 |
| | 3 years | 123 | 125 | 126 | 127 |
| | 4 years | 130 | 130 | 130 | 130 |
| | 5 & up | 130 | 130 | 130 | 130 |
| Six Furlongs | 2 years | | | 102 | 105 |
| | 3 years | 121 | 123 | 125 | 126 |
| | 4 years | 130 | 130 | 130 | 130 |
| | 5 & up | 130 | 130 | 130 | 130 |
| One Mile. | 2 years | | | | 96 |
| | 3 years | 115 | 117 | 119 | 121 |
| | 4 years | 126 | 126 | 126 | 126 |
| | 5 & up | 126 | 126 | 126 | 126 |
| One Mile & a Quarter. | 2 years | | | | |
| | 3 years | 113 | 116 | 118 | 120 |
| | 4 years | 126 | 126 | 126 | 126 |
| | 5 & up | 126 | 126 | 126 | 126 |
| One & a Half Miles. | 2 years | | | | |
| | 3 years | 111 | 114 | 117 | 119 |
| | 4 years | 126 | 126 | 126 | 126 |
| | 5 & up | 126 | 126 | 126 | 126 |
| Two Miles. | 3 years | 109 | 112 | 114 | 117 |
| | 4 years | 126 | 126 | 125 | 125 |
| | 5 & up | 126 | 126 | 125 | 125 |

(1) In races of intermediate lengths not specified above, the weights for the shorter distance are carried.

(2) In all races except handicap races and races where the conditions expressly state to the contrary, two-year-old fillies are allowed 3 lbs., and three-year-old and older fillies and mares are allowed 5 lbs., before the 1st of September, and 3 lbs., thereafter.

(3) In all overnight races the minimum weight shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicap races.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-020, filed 3/10/06, effective 4/10/06. Rules of racing, § 296, filed 4/21/61; Subsec. (4) amended, filed 3/11/65.]

[Title 260 WAC—p. 56]

WAC 260-44-030 Penalties and allowances. (1) No horse shall carry extra weight, or be barred from any race for having run second or lower in a previous race.

(2) Penalties and allowances of weight are not cumulative, unless provided by the conditions of the race.

(3) No horse shall receive allowance of weight, or be relieved from extra weight, for having been beaten in one or more races. This rule shall not prohibit maiden allowances, or allowances to horses that have not won within a specified time, or that have not won races of a specified value.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-030, filed 3/10/06, effective 4/10/06. Rules of racing, §§ 297, 298, 299, filed 4/21/61.]

WAC 260-44-040 Weighing out—Time for. Every jockey must be weighed for a specified horse not more than thirty minutes before the time fixed for the race.

[Rules of racing, § 300, filed 4/21/61.]

WAC 260-44-050 Weighing out—Equipment included in jockey's weight. (1) The jockey's weight shall also include his clothing and boots, and the saddle and its attachments.

(2) The following items shall not be included in a jockey's weight: Whip, head number, bridle, bit, reins, number cloth, blinker, protective helmet or safety vest.

(3) No bridle shall exceed two pounds in weight.

(4) Whips shall have closed poppers, with a maximum length of four inches and minimum width of one and one-quarter inches. Whips shall have three rows of one-inch feathers made of leather or other materials approved by the stewards. The maximum length of a whip shall not exceed thirty-one inches (including popper). The maximum weight of a whip shall not exceed one pound.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-050, filed 3/10/06, effective 4/10/06. Rules of racing, § 30, filed 4/21/61.]

WAC 260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum. (1) If a jockey intends to carry overweight, he/she must declare the amount at the time of weighing out. If the jockey is in doubt as to his/her proper weight, the jockey may declare the weight he will carry.

(2) If a jockey reports an overweight exceeding two pounds, the owner or trainer has the option to replace the jockey without being assessed a double-jock mount fee. Failure on the part of a jockey to comply with this rule shall be reported to the stewards by the clerk of scales.

(3) No horse shall carry more than seven pounds overweight, except as provided in subsection (4) of this section.

(4) Horses running at Class C race meets may carry more than seven pounds overweight with the permission of the stewards up to a maximum weight of one hundred thirty-five pounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-080, filed 3/10/06, effective 4/10/06; 87-15-019 (Resolution No. 87-02), § 260-44-080, filed 7/8/87; Order 75-1, § 260-44-080, filed 2/18/75. Rules of racing, §§ 304, 305, 306, filed 4/21/61.]

WAC 260-44-090 Weighing out—Trainer responsible for weight. The trainer is responsible for the weight carried by his horse.

(2007 Ed.)

[Rules of racing, § 307, filed 4/21/61.]

WAC 260-44-100 Weighing out—Attendants. Only attendants provided by the association will be permitted to assist jockeys in weighing out.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-100, filed 3/10/06, effective 4/10/06. Rules of racing, § 308, filed 4/21/61.]

WAC 260-44-110 Weighing in—Procedure. (1) After a race has been run and after the jockey has pulled up the horse, the jockey shall ride promptly to the designated unsaddling area and dismount. The jockey shall proceed to the clerk of the scales to be weighed in. If a jockey is prevented from riding his/her mount to the designated unsaddling area because of an accident or of illness to either the jockey or the horse, the jockey may walk or be carried to the scales, or the stewards may excuse the jockey from weighing.

(2) Except by permission of the stewards, upon arrival at the designated unsaddling area after a race, every jockey must unsaddle the horse he/she has ridden. No person shall touch the jockey or the horse except by the horse's bridle, or cover the horse in any manner until the jockey has removed the equipment to be weighed.

(3) No person shall assist a jockey in removing from his/her horse the equipment that is to be included in the jockey weight, except by permission of the stewards.

(4) Each jockey shall carry over to the scales all pieces of equipment with which he/she weighed out.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-110, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-110, filed 2/12/99, effective 3/15/99. Rules of racing, §§ 309 through 312, filed 4/21/61.]

WAC 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties. (1) Each jockey shall weigh in at the same weight as that at which he weighed out. If a jockey is short of the weigh out amount by more than two pounds, his mount shall be disqualified. If a weight discrepancy arises after a race has been declared official, a change in the order of finish shall include a redistribution of purse moneys. The disqualification will not affect the parimutuel payoffs.

(2) It is a violation of these rules for a jockey to weigh in more than two pounds under the assigned weight. Either the jockey or the trainer, or both may be held responsible for this violation.

(3) If any jockey weighs in at more than two pounds over his/her proper or declared weight, the clerk of scales will report the overweight to the stewards for possible disciplinary action. In considering discipline, the stewards shall consider any excess weight caused by rain or mud.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-120, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-120, filed 2/12/99, effective 3/15/99. Rules of racing, §§ 313, 314, filed 4/21/61.]

WAC 260-44-150 Horseshoes. (1) A horse starting in a race shall be fully shod with racing plates.

(2) Use of bar shoes must be declared at time of entry.

(2007 Ed.)

(3) During off-track conditions the trainer is responsible to report any additional traction devices to the board of stewards or designee.

(4) For turf racing, horses must be shod with racing plates approved by the association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-150, filed 3/10/06, effective 4/10/06.]

Chapter 260-48 WAC MUTUELS

WAC

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| 260-48-500 | General provisions. |
| 260-48-510 | Records. |
| 260-48-520 | Parimutuel tickets. |
| 260-48-530 | Parimutuel ticket sales. |
| 260-48-540 | Advance wagering. |
| 260-48-550 | Claims for payment from parimutuel pool. |
| 260-48-560 | Payment for errors. |
| 260-48-570 | Betting explanation. |
| 260-48-580 | Display of betting information. |
| 260-48-590 | Cancelled races. |
| 260-48-600 | Refunds. |
| 260-48-610 | Coupled entries and mutuel field. |
| 260-48-620 | Pools dependent upon betting interests. |
| 260-48-630 | Closing of wagering in a race. |
| 260-48-640 | Complaints pertaining to parimutuel operations. |
| 260-48-650 | Licensed employees. |
| 260-48-660 | Emergency situations. |
| 260-48-670 | Limit payoffs. |
| 260-48-700 | Multijurisdictional common pool wagering. |
| 260-48-710 | Participation in common pools as guest. |
| 260-48-720 | Participation in common pools as host. |
| 260-48-800 | Parimutuel wagering pools. |
| 260-48-810 | Win pools. |
| 260-48-820 | Place pools. |
| 260-48-830 | Show pools. |
| 260-48-840 | Double pools. |
| 260-48-850 | Pick three. |
| 260-48-860 | Quinella pools. |
| 260-48-870 | Exacta pools. |
| 260-48-890 | Trifecta pools. |
| 260-48-900 | Twin trifecta pools. |
| 260-48-910 | Superfecta pools. |
| 260-48-920 | Pick (n) pools. |
| 260-48-925 | Group bet wagering. |
| 260-48-930 | Future wager pool. |
| 260-48-935 | Choose (n) pools. |
| 260-48-940 | Head-to-head wagering |
| 260-48-960 | Handicapping contests. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-48-010 | Betting rules to be printed in daily program. [Rules of racing, § 388, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-020 | Sale of pools permitted only within enclosure of licensed track. [Rules of racing, § 389, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-030 | Association to bear cost of minus pools. [Rules of racing, § 390, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-035 | Payoff on minus pools. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-48-035, filed 4/21/86.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-040 | Purchase of ticket or part of pool for another. [Rules of racing, § 391, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-050 | Messengers and future sales windows. [Rules of racing, § 392, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |

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| 260-48-060 | Surrender of winning tickets required for payment. [Rules of racing, § 393, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-260 | 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-070 | Minors may not wager—Jockeys may not enter betting area. [Rules of racing, § 394, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-270 | Rulings after display of "official" sign. [Rules of racing, § 413, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-080 | Totalizators and result boards—Installation—Operation in plain view. [Rules of racing, § 395, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-280 | Manager to furnish take-off and calculating sheets to commission auditor. [Rules of racing, § 414, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-090 | Locking and unlocking of machines. [Rules of racing, § 396, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-290 | Error in posting pay-off figures on public board. [Rules of racing, § 415, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-100 | Secretary to advise manager as to horses in race. [Rules of racing, § 397, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-300 | Payments to conform to parimutuel practice—Breakage. [Rules of racing, § 416, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-110 | "Entry"—Wager on one is wager on all. [Statutory Authority: RCW 67.16.040. 93-14-124, § 260-48-110, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-110, filed 7/10/81; Order 73.8, § 260-48-110, filed 10/23/73; Rules of racing, § 398, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-310 | Records to be filed with commission. [Rules of racing, § 417, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-120 | "Field"—Wager on one is wager on all. [Rules of racing, §§ 325, 399, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-320 | Calculating the pay-off for entries and fields. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-48-305, filed 7/10/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-130 | Determining number of pools for race—Additional race in event of no-bet sweepstakes. [Rules of racing, § 400, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-322 | Calculating the pay-off in dead heats. [Rules of racing, § 418, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-140 | Computing pay-off and commissions in event of difference in pool or pools. [Rules of racing, § 401, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-324 | Daily double. [Statutory Authority: RCW 67.16.040. 95-07-141, § 260-48-320, filed 3/22/95, effective 4/22/95; Rules of racing, § 419, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-150 | Computing pay-off when tote fails or is unreliable. [Rules of racing, § 402, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-326 | Quinella rules. [Order 73.8, § 260-48-322, filed 10/23/73; Order 71-9, § 260-48-322, filed 6/2/71.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-160 | Refund of bets—Horse excused after betting begun. [Rules of racing, § 403, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-328 | Exacta rules. [Order 73.8, § 260-48-324, filed 10/23/73; Order 71-9, § 260-48-324, filed 6/2/71.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-170 | Refund of bets—Horse affected by starting gate failure. [Rules of racing, § 404, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-329 | Wagering on "short fields." [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-326, filed 7/10/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-180 | Refund of bets—No horse finishing race. [Rules of racing, § 405, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-330 | Daily triple. [Statutory Authority: RCW 67.16.040. 90-19-002, § 260-48-327, filed 9/6/90, effective 10/7/90. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-008 (Order 89-04), § 260-48-327, filed 6/9/89.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-190 | Refund of bets—Two or more horses coupled on same ticket. [Rules of racing, § 406, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-331 | Trifecta rules. [Statutory Authority: RCW 67.16.040. 93-14-125, § 260-48-328, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-18-021 (Order 81-08), § 260-48-328, filed 8/25/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-200 | Refund of bets—Race declared off. [Rules of racing, § 407, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-340 | Limited sweepstakes. [Statutory Authority: RCW 67.16.175. 85-14-104 (Order 85-03), § 260-48-329, filed 7/3/85.] Repealed by 89-13-008 (Order 89-04), filed 6/9/89. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-48-210 | Apportionment of win pool when no win money bet on winning horse. [Rules of racing, § 408, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-350 | Mutuel manager—Verification of winners and calculations. [Rules of racing, § 420, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-220 | Apportionment of place pool when no place money bet on placing horse. [Rules of racing, § 409, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | Twin trifecta rules. [Statutory Authority: RCW 67.16.040. 93-14-126, § 260-48-331, filed 7/6/93, effective 8/6/93.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-230 | Apportionment of show pool when no show money bet on showing horse. [Rules of racing, § 410, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | Mutuel manager—Decisions in emergency. [Rules of racing, § 421, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-240 | Apportionment of place and show pools when only one horse finishes. [Rules of racing, § 411, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | Abandoned tickets—"Outs." [Rules of racing, §§ 422, 423, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-250 | Apportionment of show pool when only two horses finish. [Rules of racing, § 412, filed 4/21/61.] Repealed by | | |

WAC 260-48-500 General provisions. Each association shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a parimutuel system approved by the commission. The totalisator shall be tested prior to and during the meeting as required by the commission.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-500, filed 4/19/96, effective 6/11/96.]

WAC 260-48-510 Records. (1) The association shall be responsible for the maintenance of records of all wagering so the commission may review such records for any race including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records shall be retained by each association and/or totalisator company and safeguarded for one year after the last day of the meet or as specified by the commission.

(2) The association shall provide at the request of the commission a list of the licensed individuals afforded access to parimutuel records and equipment at the wagering facility.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-510, filed 4/19/96, effective 6/11/96.]

WAC 260-48-520 Parimutuel tickets. A parimutuel ticket is evidence of a contribution to the parimutuel pool operated by the association and is evidence of the obligation of the association to pay to the holder thereof such portion of the distributable amount of the parimutuel pool as is represented by such valid parimutuel ticket. The association shall cash all valid winning parimutuel tickets when such are presented for payment.

(1) To be deemed a valid parimutuel ticket, such ticket shall have been issued by a parimutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the parimutuel pool, and contain imprinted information as to:

- (a) The name of the association operating the meeting.
- (b) A unique identifying number or code.
- (c) Identification of the terminal at which the ticket was issued.

(d) A designation of the performance for which the wagering transaction was issued.

(e) The race number for which the pool is conducted.

(f) The type or types of wagers represented.

(g) The number or numbers representing the betting interests for which the wager is recorded.

(h) The amount or amounts of the contributions to the parimutuel pool or pools for which the ticket is evidence.

(2) No parimutuel ticket recorded or reported as previously paid, cancelled, or nonexistent shall be deemed a valid parimutuel ticket by the association.

(3) Every association shall maintain a record of outstanding parimutuel tickets, which represent the winning tickets not presented for payment. A record of such tickets so cashed shall be retained for a period of thirty months from the date they were cashed. This record shall be made available for inspection by commission or its authorized representative upon request.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-520, filed 4/19/96, effective 6/11/96.]

(2007 Ed.)

WAC 260-48-530 Parimutuel ticket sales. (1) Parimutuel tickets shall not be sold by anyone other than an association licensed to conduct parimutuel wagering.

(2) No parimutuel ticket may be sold on a race for which wagering has already been closed and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on such race.

(3) Parimutuel tickets may be exchanged or cancelled prior to the running of a race based upon the written policies of the association. Such policy shall be filed with the commission.

(4) Payment on winning parimutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or commission shall in no way affect the parimutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

(5) The association shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

(6) No person under the age of 18 shall purchase or cash any parimutuel ticket. No employee of the association shall knowingly sell to or cash for a person under the age of 18 any parimutuel ticket. Unattended persons under the age of 18 are not permitted in wagering areas.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-530, filed 4/19/96, effective 6/11/96.]

WAC 260-48-540 Advance wagering. No association shall permit wagering to begin more than one hour before scheduled post time of the first race unless it has first obtained the authorization of the commission.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-540, filed 4/19/96, effective 6/11/96.]

WAC 260-48-550 Claims for payment from parimutuel pool. At a designated location, a written, verified claim for payment from a parimutuel pool shall be accepted by the association. In any case where the association has withheld payment or has refused to cash a parimutuel wager the claimant shall be informed that they may register a complaint with the commission. In the case of a claim made for payment on a parimutuel wager, the commission may adjudicate the claim and order payment thereon from the parimutuel pool or by the association, or may deny the claim, or may make such other order as it may deem proper.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-550, filed 4/19/96, effective 6/11/96.]

WAC 260-48-560 Payment for errors. If an error occurs in the payment amounts for parimutuel tickets which are cashed or entitled to be cashed and as a result of such error the parimutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) In the event the error results in an overpayment to the ticket holders the association shall be responsible for such payment.

(2) In the event the error results in an underpayment to tickets holders:

(a) The association shall accept timely claims for such underpayment, shall investigate such claims and shall pay each claim, or a part thereof, which it determines to be valid, and shall notify the claimant if the claim is rejected as invalid.

(b) Any person whose claim is rejected by the association may, within 15 days from the date the rejection notice was received, request the commission to determine the validity of the claim. The failure to file such request with the commission within the said time shall constitute a waiver of the claim.

(c) A hearing shall be held on each such rejected claim timely filed with the commission. The commission shall give notice of such hearing to the claimant and the association. The commission may determine a claim to be valid, in whole or in part, and thereafter order the association to pay the claimant the amount of the claim determined to be valid, or may deny the claim in whole or in part. Any such determination shall be final and binding to all parties.

(d) If no valid claims are presented, or after all filed claims have been resolved, the amount of the underpayment or any part thereof, shall be applied to the next available corresponding pool (i.e. exacta pools). If there is no similar pool the underpayment shall be applied to the win pool of the first race. Such payment shall be publicly announced prior to this day.

(3) Any claim not filed with the association within 30 days inclusive of the date on which the underpayment was publicly announced shall be deemed waived and the association shall have no further liability therefor.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-560, filed 4/19/96, effective 6/11/96.]

WAC 260-48-570 Betting explanation. A summary explanation of parimutuel wagering and each type of betting pool offered shall be published in the program each race day. The rules of racing relative to each type of parimutuel pool offered must be prominently displayed on association grounds and available upon request through association representatives.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-570, filed 4/19/96, effective 6/11/96.]

WAC 260-48-580 Display of betting information. (1) Approximate odds for win pool betting shall be posted on display devices within view of the wagering public and updated for the first change when the total win pool has reached a minimum dollar amount established by the association, and thereafter shall update at intervals of not more than 90 seconds, but in no event shall the first change in odds occur later than 12 minutes to post.

(2) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the commission.

(3) Official results and payoffs must be displayed upon each race being declared official.

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[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-580, filed 4/19/96, effective 6/11/96.]

WAC 260-48-590 Cancelled races. If a race is cancelled or declared "no race," refunds shall be granted on valid wagers in accordance with these rules.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-590, filed 4/19/96, effective 6/11/96.]

WAC 260-48-600 Refunds. (1) Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:

(a) Win pools, exacta pools, and first-half double pools, offered in races in which the number of betting interests has been reduced to fewer than two.

(b) Place pools and quinella pools, offered in races in which the number of betting interests has been reduced to fewer than three.

(c) Show pools, in races in which the number of betting interests has been reduced to fewer than four.

(d) Superfecta pools and first half twin trifecta pools, offered in races in which the number of betting interests has been reduced to fewer than six.

(e) Trifecta pools, in races in which the number of betting interests has been reduced to fewer than five.

(2) Authorized refunds shall be paid upon presentation and surrender of the affected parimutuel ticket.

[Statutory Authority: RCW 67.16.040. 00-06-070, § 260-48-600, filed 3/1/00, effective 4/1/00; 99-06-026, § 260-48-600, filed 2/23/99, effective 3/26/99; 96-10-014, § 260-48-600, filed 4/19/96, effective 6/11/96.]

WAC 260-48-610 Coupled entries and mutuel field.

(1) Horses coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any horse in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining horses in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all horses within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.

(2) For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading horse in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-610, filed 4/19/96, effective 6/11/96.]

WAC 260-48-620 Pools dependent upon betting interests. Unless the commission or its designee otherwise provides, at the time the pools are opened for wagering, the association:

(1) Shall offer win wagering on all races with three or more betting interests.

(2) Shall offer place wagering on all races with four or more betting interests.

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(3) Shall offer show wagering on all races with five or more betting interests.

(4) May offer quinella wagering on all races with three or more betting interests.

(5) May offer exacta wagering on all races with two or more betting interests.

(6) May offer trifecta wagering on all races with three or more betting interests.

(7) May offer twin trifecta wagering on all races with seven or more betting interests.

(8) May offer superfecta wagering on all races with four or more betting interests.

[Statutory Authority: RCW 67.16.020, 04-07-077, § 260-48-620, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040, 00-06-070, § 260-48-620, filed 3/1/00, effective 4/1/00; 99-06-026, § 260-48-620, filed 2/23/99, effective 3/26/99; 96-10-014, § 260-48-620, filed 4/19/96, effective 6/11/96.]

WAC 260-48-630 Closing of wagering in a race. (1) Coincident with the start of a live race, a commission representative shall close wagering for the race after which time no parimutuel tickets shall be sold for that race.

[(2)] Coincident with the start of any simulcast race, the association shall be responsible to ensure that wagering is closed for the race after which time no parimutuel tickets shall be sold for that race.

(3) The association shall maintain in good order an electrical or other system approved by the commission for locking of parimutuel machines.

[Statutory Authority: RCW 67.16.040, 03-07-057, § 260-48-630, filed 3/14/03, effective 4/14/03; 96-10-014, § 260-48-630, filed 4/19/96, effective 6/11/96.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffected changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 260-48-640 Complaints pertaining to parimutuel operations. (1) When a patron makes an unresolvable complaint regarding the parimutuel department to an association, the association shall immediately issue a complaint report, setting out:

- (a) The name of the complainant;
- (b) The nature of the complaint;
- (c) The name of the persons, if any, against whom the complaint was made;
- (d) The date of the complaint;
- (e) The action taken or proposed to be taken, if any, by the association.

(2) The association shall submit every complaint report to the commission within 48 hours after the complaint was made.

[Statutory Authority: RCW 67.16.040, 96-10-014, § 260-48-640, filed 4/19/96, effective 6/11/96.]

WAC 260-48-650 Licensed employees. All licensees shall report any known irregularities or wrong doings by any person involving parimutuel wagering immediately to the commission and cooperate in subsequent investigations.

[Statutory Authority: RCW 67.16.040, 96-10-014, § 260-48-650, filed 4/19/96, effective 6/11/96.]

(2007 Ed.)

WAC 260-48-660 Emergency situations. Should any emergency arise in connection with the operation of the parimutuel department of the association, not covered by these rules, and an immediate decision is necessary, the mutuel manager may make the decision.

[Statutory Authority: RCW 67.16.040, 96-10-014, § 260-48-660, filed 4/19/96, effective 6/11/96.]

WAC 260-48-670 Limit payoffs. An association may have the option to limit payoffs, at satellite locations, approved in accordance with Sec. 01. RCW 67.16.200, to \$2,500 in cash, with the balance delivered in the form of a check or by an electronic fund transfer by the end of the next business day.

[Statutory Authority: RCW 67.16.040, 96-10-014, § 260-48-670, filed 4/19/96, effective 6/11/96.]

WAC 260-48-700 Multijurisdictional common pool wagering. (1) Definitions.

(a) The host association is the association conducting a licensed parimutuel meeting from which authorized contests or entire performances are simulcast.

(b) The guest association is the association that offers licensed parimutuel wagering on contests conducted by the host association.

(2)(a) Except as otherwise authorized by the commission, a request for simulcasting must be filed on a form provided by the commission not later than seven business days before the first simulcast race covered by the request. The executive secretary may approve a request for simulcasting, subject to rescission of the approval by the commission at its next regular meeting.

(b) The application must include at a minimum:

(i) The simulcast agreement between the host and guest association;

(ii) The approval by the horsemen's association represented at the host and guest site;

(iii) The alternate jurisdiction approval;

(iv) When acting as the host site, approval also requires a list of all locations that will be receiving and/or wagering on the races under the guest site; and

(v) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(3) A class 1 racing association shall not be allowed to simulcast until the following are filed with the commission.

(a) A written agreement with the local horsemen's group.

(b) A description of how simulcast purse moneys are to be maintained.

(c) A description of how breeder awards are to be maintained.

(d) A monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

(4) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the commission for other requests for approval of simulcasting or wagering on simulcast races or programs.

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(5) In determining whether to approve a multijurisdiction common pool which does not include the host track or which includes contests from more than one association, the commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

(6) No class 1 racing association shall enter a contractual agreement that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC and any federal, state or local law.

(7) The mutuel manager or the mutuel manager's designee shall be present on association grounds at all times that the class 1 racing association is accepting wagers on simulcast races. He/she shall be responsible for communicating all errors or omissions regarding simulcast wagering to the executive secretary.

(8) There shall be a facsimile machine located in each mutuel area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room shall not require routing through the switchboard.

(9) Every class 1 racing association shall file with the commission an annual report of its simulcast operations including financial data as specified by the commission.

(10) Not less than thirty minutes prior to the commencement of transmission of the performance of parimutuel contests for each day or night, the guest association shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

(11) Washington intratrack breakage and minus pools shall be prorated based on amounts wagered.

(12) The commission may permit adjustment of the takeout from the parimutuel pool so that the takeout rate in this jurisdiction is identical to that at the host jurisdiction, or identical to that of other jurisdictions participating in a merged pool.

(13) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

(14) Where takeout rates in the merged pool are not identical, the net price calculation may be the method by which the differing takeout rates are applied.

(15) Parimutuel pools may be combined for computing odds and calculating payouts but will be held separate for auditing and all other purposes.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-48-700, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040, 99-06-026, § 260-48-700, filed 2/23/99, effective 3/26/99.]

WAC 260-48-710 Participation in common pools as guest. (1) With the prior approval of the commission, parimutuel-wagering pools may be combined with corresponding wagering pools in the host jurisdiction, or with corresponding pools established by one or more other jurisdictions.

(2) Rules established in the jurisdiction of the host association designated for a parimutuel pool shall apply.

(3) The guest association and all authorized receivers shall conduct parimutuel wagering pursuant to the applicable jurisdiction rules.

(4) Class 1 racing associations which import races and propose to offer types of wagers other than those currently defined in chapter 260-48 WAC, shall submit to the commission a copy of the host jurisdiction's rule governing the wager.

(5) If, after the close of wagering, a guest racetrack's wagers cannot be successfully merged in the multijurisdictional common pool via data circuit or manual merge, the mutuel manager shall:

(a) Refund the pools not successfully merged after announcing to the public that the pools were not merged successfully and the pools will be refunded; or

(b) Pay the winning wagers based on the prices established at the host racetrack.

The mutuel manager shall report the failure to merge any common pool to the commission. The report must be made on a form prescribed by the executive secretary and be filed no later than the day after the date the common pool failed to merge.

In the event the host association has offered a wager not covered by chapter 260-48 WAC, the Association of Racing Commissioners International model rules regarding such wager shall govern. Information regarding this emergency procedure shall be posted throughout the class 1 racing association facility and published in its racing program.

(6) An authorized class 1 racing association when acting as a guest association shall provide:

(a) A voice communication system between each guest association and the host association, providing timely voice contact among the commission designees and parimutuel departments.

(b) Parimutuel terminals and odds displays, modems and equipment enabling parimutuel data transmissions, and data communications between the host and guest associations.

(c) Adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed circuit TV system of the host association for providing any host facility patron information.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-48-710, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040, 99-06-026, § 260-48-710, filed 2/23/99, effective 3/26/99.]

WAC 260-48-720 Participation in common pools as host. (1) A host association is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

(2) Unless otherwise permitted by the commission, every simulcast will contain in its video content the date, a digital display of actual time of day, the host facility's name from where it emanates and the number of the contest being displayed.

(3) The host association shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the commission.

(4) Any contract of multijurisdiction common pools entered into by the association shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the multijurisdiction common pool formed by the class 1 racing association, or if, for any reason, the commission's or the

association's representative determines that attempting to effect transfer of pool data from the guest jurisdiction may endanger the association's wagering pool, the association shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

(5) If for any reason it becomes impossible to successfully merge pool data into the multijurisdiction common pool of the class 1 racing association, or it is determined that attempting to effect transfer of pool data from the guest jurisdiction may endanger the class 1 racing associations wagering pool, or cause an unreasonable delay of the racing program, the class 1 racing association representative shall determine under the circumstances whether to manually merge guests pools, exclude guests pools or delay the Washington pools.

(6) Scratched horses must be communicated via facsimile machine, telephone or other approved method by the host mutuel manager to all guest mutuel managers except when the operating totalisator protocol performs these functions automatically or when the information is disseminated to the wagering network via satellite or video display. The host mutuel manager must communicate program changes to all guest sites via facsimile machine, telephone or other approved method.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-48-720, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040, 99-06-026, § 260-48-720, filed 2/23/99, effective 3/26/99.]

WAC 260-48-800 Parimutuel wagering pools. (1) All permitted parimutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

(2) Either standard price calculation procedure shall be used to calculate wagering pools; however, net price calculation shall be used any time international wagering is conducted.

(a) Standard price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

| | | |
|--------------------|---|--|
| Gross Pool | = | Sum of Wagers on all Betting Interests - Refunds |
| Takeout | = | Gross Pool x Percent Takeout |
| Net Pool | = | Gross Pool - Takeout |
| Profit | = | Net Pool - Gross Amount Bet on Winner |
| Profit Per Dollar | = | Profit/Gross Amount Bet on Winner |
| \$1 Unbroken Price | = | Profit Per Dollar + \$1 |
| \$1 Broken Price | = | \$1 Unbroken Price Rounded Down to the Break Point |
| Total Payout | = | \$1 Broken Price x Gross Amount Bet on Winner |
| Total Breakage | = | Net Pool - Total Payout |

PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

(2007 Ed.)

PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(b) Net price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

| | | |
|-------------------------|---|--|
| Gross Pool | = | Sum of Wagers on all Betting Interests - Refunds |
| Takeout | = | Gross Pool x Percent Takeout for each Source |
| Net Pool | = | Gross Pool - Takeout |
| Net Bet on Winner | = | Gross Amount Bet on Winner x (1 - Percent Takeout) |
| Total Net Pool | = | Sum of all Sources Net Pools |
| Total Net Bet on Winner | = | Sum of all Sources Net Bet on Winner |
| Total Profit | = | Total Net Pool - Total Net Bet on Winner |
| Profit Per Dollar | = | Total Profit/Total Net Bet on Winner |
| \$1 Unbroken Base Price | = | Profit Per Dollar + \$1 for each Source |
| \$1 Unbroken Price | = | \$1 Unbroken Base Price x (1 - Percent Takeout) |
| \$1 Broken Price | = | \$1 Unbroken Price Rounded Down to the Break Point |
| Total Payout | = | \$1 Broken Price x Gross Amount Bet on Winner |
| Total Breakage | = | Net Pool - Total Payout |

PROFIT SPLIT (PLACE POOL)

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

PROFIT SPLIT (SHOW POOL)

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

(3) If a profit split results in only one covered winning betting interest or combinations it shall be calculated the same as a single price pool.

(4) The individual pools outlined in these rules may be given alternative names by each association, provided prior approval is obtained from the commission.

(5) In the event a minus pool occurs in any parimutuel pool, the expense of said minus pool shall be borne by the association.

(6) The association must pay to the holder of any ticket or tickets entitling the holder to participate in the distribution of a parimutuel pool the amount wagered by such holder plus a minimum of five percent thereof. This requirement is unaffected by the existence of a parimutuel pool which does not contain sufficient money to distribute said five percent to all persons holding such tickets.

(7) No person or corporation shall directly or indirectly purchase parimutuel tickets or participate in the purchase of any part of a parimutuel pool for another for hire or for any gratuity.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-038, § 260-48-800, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-800, filed 4/19/96, effective 6/11/96.]

WAC 260-48-810 Win pools. (1) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to win on that betting interest.

(2) The net win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool shall be refunded on win wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the win pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the win pool shall be distributed as a profit split.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-810, filed 4/19/96, effective 6/11/96.]

WAC 260-48-820 Place pools. (1) The amounts wagered to place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient is the profit per dollar wagered to place on that betting interest.

(2) The net place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(e) The entire pool shall be refunded on place wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the place pool shall be distributed as a single price pool.

(b) Horses representing two or more betting interests, the place pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the place pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the place pool is divided with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed equally amongst place wagers on those betting interests involved in the dead heat for second.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-820, filed 4/19/96, effective 6/11/96.]

WAC 260-48-830 Show pools. (1) The amounts wagered to show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show on that betting interest. The net show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) If horses of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool shall be refunded on show wagers for that race.

(2) If there is a dead heat for first involving:

(a) Two horses representing the same betting interest, the profit is divided with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(b) Three horses representing a single betting interest, the show pool shall be distributed as a single price pool.

(c) Horses representing two or more betting interests, the show pool shall be distributed as a profit split.

(3) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(b) Horses representing two betting interests, the show pool shall be distributed as a profit split.

(c) Horses representing three betting interests, the show pool is divided with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for second.

(4) If there is a dead heat for third involving:

(a) Horses representing the same betting interest, the show pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the show pool is divided with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for third.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-830, filed 4/19/96, effective 6/11/96.]

WAC 260-48-840 Double pools. (1) The double requires selection of the first-place finisher in each of two specified races.

(2) The net double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the two races; but if there are no such wagers, then

(b) As a profit split to those who selected the first-place finisher in either of the two races; but if there are no such wagers, then

(c) As a single price pool to those who selected the one covered first-place finisher in either race; but if there are no such wagers, then

(d) As a single price pool to those whose selection finished second in each of the two races; but if there are no such wagers, then

(e) The entire pool shall be refunded on double wagers for those races.

(3) If there is a dead heat for first in either of the two races involving:

(a) Horses representing the same betting interest, the double pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the double pool shall be distributed as a profit split if there is more than one covered winning combination.

(4) Should a betting interest in the first-half of the double be scratched prior to the first double race being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the double pool and refunded.

(5) Should a betting interest in the second-half of the double be scratched prior to the close of wagering on the first double race, all money wagered on combinations including the scratched betting interest shall be deducted from the double pool and refunded.

(6) Should a betting interest in the second-half of the double be scratched after the close of wagering on the first double race, all wagers combining the winner of the first race with the scratched betting interest in the second race shall be allocated a consolation payoff. In calculating the consolation

payoff the net double pool shall be divided by the total amount wagered on the winner of the first race and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first race combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net double pool before calculation and distribution of the winning double payoff. Dead heats including separate betting interests in the first race shall result in a consolation payoff calculated as a profit split.

(7) If either of the double races are cancelled prior to the first double race, or the first double race is declared "no race," the entire double pool shall be refunded on double wagers for those races.

(8) If the second double race is cancelled or declared "no race" after the conclusion of the first double race, the net double pool shall be distributed as a single price pool to wagers selecting the winner of the first double race. In the event of a dead heat involving separate betting interests, the net double pool shall be distributed as a profit split.

(9) Before the running of the second double race the association shall announce and/or post the payoff of each combination coupled with the winner of the first half of the double race.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-840, filed 4/19/96, effective 6/11/96.]

WAC 260-48-850 Pick three. (1) The pick three requires selection of the first-place finisher in each of three specified races.

(2) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the three races; but if there are no such wagers, then

(b) As a single price pool to those who selected the first-place finisher in any two of the three races; but if there are no such wagers, then

(c) As a single price pool to those who selected the first-place finisher in any one of the three races; but if there are no such wagers, then

(d) The entire pool shall be refunded on pick three wagers for those races.

(3) If there is a dead heat for first in any of the three races involving:

(a) Horses representing the same betting interest, the pick three pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick three pool shall be distributed as follows:

(i) As a profit split to those whose selection finished first in each of the three races, if there are no such wagers,

(ii) As a single price pool to those who selected the first place finisher in any of the three races, if there are no such wagers,

(iii) As a single price pool to those who selected the first place finisher in any one of the three races, if there are no such wagers,

(iv) The entire pool shall be refunded on pick three wagers for those races.

(4) Should a betting interest in any of the three pick three races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all three pick three races are cancelled or declared "no race," the entire pool shall be refunded on pick three wagers for those races.

(6) If one or two of the pick three races are cancelled or declared "no race," the pick three pool will remain valid and shall be distributed in accordance with subsection 2 of this rule.

(7) Before the running of the third pick three race the association shall announce and/or post the payoff of each combination coupled with the winners of the first and second races of the pick three.

(8) The pick three may be given a distinctive name to be selected by the association conducting such races, such as "TRIPLE," subject to the prior approval of the commission.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-850, filed 4/19/96, effective 6/11/96.]

WAC 260-48-860 Quinella pools. (1) The quinella requires selection of the first two finishers, irrespective of order, for a single race.

(2) The net quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) The entire pool shall be refunded on quinella wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two betting interests, the quinella pool shall be distributed as if no dead heat occurred.

(c) Horses representing three or more betting interests, the quinella pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the quinella pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(e) The entire pool shall be refunded on quinella wagers for that race.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-860, filed 4/19/96, effective 6/11/96.]

WAC 260-48-870 Exacta pools. (1) The exacta requires selection of the first two finishers, in their exact order, for a single race.

(2) The net exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(e) The entire pool shall be refunded on exacta wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two or more betting interests, the exacta pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the exacta pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the exacta pool

shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(d) The entire pool shall be refunded on exacta wagers for that race.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-870, filed 4/19/96, effective 6/11/96.]

WAC 260-48-890 Trifecta pools. (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

(7) Trifecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(8) Trifecta wagering is prohibited on any race in which there is a mutuel field.

[Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-890, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 98-01-148, § 260-48-890, filed 12/19/97, effective 1/19/98; 96-10-014, § 260-48-890, filed 4/19/96, effective 6/11/96.]

WAC 260-48-900 Twin trifecta pools. (1) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. Winning first-half wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta races shall be included in only one twin trifecta pool.

(2) Twin trifecta wagering may be conducted by Class A and B licensees at the discretion of the commission upon written application by an association.

(3) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: The first-half twin trifecta pool and the second-half twin trifecta pool. The percentage allocated to each pool must be approved by the commission.

(4) In the first twin trifecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interest; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire twin trifecta pool for that day shall be refunded on twin trifecta wagers for that race and the second-half shall be canceled.

(5) If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carry-over pool.

(6) Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including any existing carry-over monies, to those whose combination finished in correct sequence as the first three betting interest; but if there are no such tickets, then

(b) The entire second-half twin trifecta pool for that race shall be added to any existing carry-over monies and retained for the corresponding second-half twin trifecta pool of the next consecutive race card.

(7) Subject to subsection 19(e) of the twin trifecta rules, if a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

(8) Twin trifecta wagering is prohibited on any race in which there is a mutuel field, except with written permission of the executive secretary.

(9) Twin trifecta wagering is prohibited on any race in which there is more than one coupled entry.

(10) Should a betting interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched betting interest shall be refunded.

(11) Should a betting interest in the second-half of the twin trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest.

(12) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of dead heat occurring in:

(a) The first-half of the twin trifecta, the payoff shall be calculated as a profit split

(b) The second-half of the twin trifecta, the payoff shall be calculated as a single price pool.

(13) If either of the twin trifecta races are canceled prior to the first twin trifecta race, or the first twin trifecta race is declared "no race," the entire twin trifecta pool for that day shall be refunded on twin trifecta wagers for that race and the second-half shall be canceled.

(14) If the second-half twin trifecta race is canceled or declared "no race," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that race as a single price pool, but not the twin trifecta carry-over. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subsections (4) of the twin trifecta rules.

(15) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than 6, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin pool for that race as a single price pool, but not the twin trifecta carry-over.

(16) If it be determined by the stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open (nonstarter) in the second-half of the twin trifecta only, there will be no refund or consolation payoff. The official order of finish as posted shall be used to determine payoffs. This will not affect other pools for this race.

(17) A written request for permission to distribute the twin trifecta carry-over on a specific race card may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date of race card for the distribution.

(18) Contrary to subsection (5) of the twin trifecta rules, during a race card designated to distribute the twin trifecta carry-over, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations as described in subsection (4) of the twin trifecta rules.

(19) Should the twin trifecta carry-over be designated for distribution on a specified date, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first-half winning tickets.

(20) The twin trifecta carry-over shall be designated for distribution on a specified date and race card only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (17) of the twin trifecta rules.

(b) On the closing race card of the meet or split meet.

(21) If, for any reason, the twin trifecta carry-over must be held over to the corresponding twin trifecta pool of the association's subsequent meet, the carry-over shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carry-over plus accrued interest shall then be added to the second-half twin trifecta pool of the association's following meet.

(22) If racing is canceled prior to the first-half of the twin trifecta on the closing race card of the meet or split meet, the carry-over will be held over in accordance with subsection (20) of the twin trifecta rules.

(23) If racing is canceled after the running of the first-half but before the running of the second-half on the closing race card of the meet or split meet, the carry-over pool will be paid as a single price to holders of exchange tickets or outstanding winning tickets from the first-half.

(24) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communications between totalisator and parimutuel department employees for processing of pool data.

(25) The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued shall constitute an acknowledgment by the bettor that the ticket is correct. Exchange tickets may not be canceled and/or reissued except as provided by these rules.

The association, totalisator company, and state may not be liable to any person for a twin trifecta ticket which is not:

(a) A winning ticket in accordance with the provisions of this rule; or

(b) Delivered for any reason, including but not limited to mechanical malfunction, electrical failure, machine locking, phone line failure, or other cause.

(26) Twin trifecta tickets shall be sold and exchanged only by the association through parimutuel machines.

(27) The twin trifecta carry-over may be capped at a designated level approved or set by the commission so that if, at the close of any race card, the amount in the twin trifecta carry-over equals or exceeds the designated cap, the twin trifecta carry-over will be frozen until it is won or distributed under other provisions of this rule. After the twin trifecta carry-over is frozen, 100 percent of the net twin trifecta pool for each individual race shall be distributed to winners of the first-half of the twin trifecta pool.

[Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-900, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-900, filed 4/19/96, effective 6/11/96.]

WAC 260-48-910 Superfecta pools. (1) The superfecta requires selection of the first four finishers, in their exact order, for a single race.

(2) The net superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire pool shall be refunded on superfecta wagers for that race.

(3) If less than four betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.

(c) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(5) If there is a dead heat for second involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(b) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(8) Superfecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(9) Superfecta wagering is prohibited on any race in which there is a mutuel field.

[Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-910, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-910, filed 2/23/99, effective 3/26/99.]

WAC 260-48-920 Pick (n) pools. (1) The pick (n) requires selection of the first-place finisher in each of a designated number of races. The association must obtain written approval from the commission concerning the scheduling of pick (n) races, the designation of one of the methods prescribed in part (2), and the amount of any cap to be set on the carryover. The number of races so designated must be more than three (3), but no greater than ten (10). Any changes to the approved pick (n) format require prior approval from the commission.

(2) The pick (n) pool shall be apportioned under one of the following methods:

(a) Method 1, pick (n) with carryover: The net pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder shall be added to the carryover.

(b) Method 2, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share shall be added to the carryover.

(c) Method 3, pick (n) with no minor pool and no carryover: The net pick (n) pool shall be distributed as a single

price pool to those who selected the first-place finisher in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) Method 4, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(e) Method 5, pick (n) with minor pool and no carryover: The major share of net pick (n) pool shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.

(f) Method 6, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool shall be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, shall be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) races, the major net pool shall be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races the jackpot net pool shall be added to the jackpot carryover. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

(3) If there is a dead heat for first in any of the pick (n) races involving:

(a) Horses representing the same betting interest, the pick (n) pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the pick (n) races be scratched:

(a) The racing association may allow patrons the option of selecting an alternate betting interest prior to the running of the first leg of the pick (n). The selected alternate betting interest shall be substituted for the scratched betting interest, for all purposes, including pool calculations.

(b) If no alternate betting interest is selected or the selected alternate betting interest is also scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick (n) pool shall be cancelled and all pick (n) wagers for the individual race day shall be refunded if:

(a) At least three races included as part of a pick 4, pick 5 or pick 6 are cancelled or declared "no race."

(b) At least four races included as part of a pick 7, pick 8 or pick 9 are cancelled or declared "no race."

(c) At least five races included as part of a pick 10 are cancelled or declared "no race."

(6) If at least one race included as part of a pick (n) is cancelled or declared "no race", but not more than the number specified in subsection 5 of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that race day. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous race days.

(7) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any race day, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) races for that race day.

(8) A written request for permission to distribute the pick (n) carryover on a specific race day may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and race day for the distribution.

(9) Should the pick (n) carryover be designated for distribution on a specified date and race day in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool shall be distributed as a single price pool

to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover shall be designated for distribution on a specified date and race day only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection 8 of this rule.

(b) Upon written approval from the commission when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued.

(c) On the closing race day of the meet or split meet.

(10) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and race day so designated by the commission.

(11) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data.

(13) The association may suspend previously-approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific race day.

[Statutory Authority: RCW 67.16.040, 96-10-014, § 260-48-920, filed 4/19/96, effective 6/11/96.]

WAC 260-48-925 Group bet wagering. (1) The group bet is a form of parimutuel wagering and part of the win pool in every race in which it is offered. The group bet is a bet to win on every participant in the selected group.

(2) A racing association may not offer a group bet unless the format associated with the particular group bet wagering event is first approved by the executive secretary. The request must be made in writing at least three days prior to the commencement of public wagering on the proposed group bet and the licensee may not offer public wagering on the proposed group bet until written approval of the executive secretary is issued. In approving any request of a racing association related to a group bet, the executive secretary may impose such conditions as are consistent with the best interests of racing and the interests of the wagering public.

(3) In each race in which the group bet is offered, the association shall designate one horse that shall not be a member of either group (usually the morning line favorite) and designate the remaining horses as members of one of two groups, Group A and Group B. The horses comprising each group shall number two or more horses and the number of horses in each group need not be the same, except as provided in subsection (8)(c) or (d) of this section. Each horse in a race where the group bet is offered must be a member of Group A, a member of Group B, or the sole nongroup horse.

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(4) In each race in which the group bet is offered, there shall be a win payoff for bettors selecting the winning participant in standard win betting and, in the event a member of one of the groups wins the race, a group bet win payout for those bettors wagering on the winning group. If the nongroup horse wins the race, there shall be no payout for the group bet.

(5) The identity of the nongroup horse and the members of Group A and Group B shall be disseminated in the track program. This information may also be disseminated by the track announcer, on television monitors and, where applicable, by authorized advance deposit wagering service providers.

(6) The minimum bet for the group bet is the same as the minimum bet to win. The amount bet on Group A and Group B shall be allocated among the members of the respective group in proportion to the amount bet on such member to win in standard win betting. Allocations may be made in fractional amounts less than the minimum permissible bet to win.

(7) The payout for a winning group bet shall be the same regardless of which member of the group is the race winner. The probable and actual payoff for a winning group bet on Group A or Group B shall be displayed in a similar manner as the probable and actual payout for a standard win bet.

(8) In the event of scratches in a race with a group bet, the following procedure will be followed:

(a) In the event that the nongroup horse is scratched or declared a nonstarter, group betting shall cease and all wagers on both groups refunded.

(b) In the event of a scratch or a declaration of nonstarter of all of the members of a group, group betting shall cease and all wagers on both groups shall be refunded.

(c) In the event of a scratch or declaration of nonstarter of a member of a group, moneys previously allocated to the scratched runner or nonstarter shall be reallocated amongst the remaining member or members of that group.

(d) In the event of a scratch or declaration of nonstarter of one or more horses in a group resulting in only one horse remaining in that group, the remaining horse in that group shall remain a valid betting interest and no refund will be granted.

(9) In the event of a dead heat to win involving two or more members of the same group, the group bet payout shall be calculated in the same manner as if there was one winner of the race and such winner was a member of such group. In the event of a dead heat to win involving the nongroup horse and one or more members of either group, or one or more members of different groups, the group bet payout shall be determined in the same manner as the calculation of the win payoff, i.e., by dividing the net win wagering pool.

(10) If circumstances occur which are not addressed by these rules, they shall be resolved by the board of stewards in a manner that is consistent with this rule and in accord with accepted parimutuel practices. Decisions regarding the group bet made by the board of stewards shall be final.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 06-07-062, § 260-48-925, filed 3/10/06, effective 4/10/06.]

WAC 260-48-930 Future wager pool. (1) The future wager requires selection of the first-place finisher in a specified contest.

(2) The association shall apply in writing to the Washington horse racing commission for approval to offer the future wager on the specified contest and shall not offer the wager until the commission approval has been granted. The written application shall include the date and time for the pool to be opened and closed, a description of the system for compiling the pool and calculating odds and payout prices, and the time interval for displaying the odds.

(3) The association, or in the case of interjurisdiction common pool wagering the host track, shall name the contestants included in each betting interest on which future wagers may be made and shall assign a program number to each betting interest.

(4) The amount wagered on the betting interest which finishes first in the specified race is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered in the future pool on that betting interest.

(5) The net future pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool shall be refunded on future pool wagers for that contest.

(6) If there is a dead heat for first involving:

(a) Contestants representing the same betting interest, the future pool shall be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the future pool shall be distributed as a profit split.

(7) No refund shall be issued for future wager pool wagers on betting interests that do not start or finish the race. If the association becomes aware or is notified that a betting interest is ineligible or unable to start the race and the pool is still open, the association shall immediately close betting on that betting interest.

(8) The entire future wager pool shall be refunded if:

(a) The situation described at subsection 5(d) occurs; or

(b) The specified race is declared no contest by the judges/stewards having jurisdiction over the specified race; or

(c) The specified race does not occur; or

(d) For whatever reason, the future wager pool cannot be determined and the payout price cannot be calculated.

[Statutory Authority: RCW 67.16.040. 02-10-100, § 260-48-930, filed 4/30/02, effective 5/31/02.]

WAC 260-48-935 Choose (n) pools. (1) The choose (n) is a form of parimutuel wagering, in which bettors attempt to select the winners of a specific number of races (n). The choose (n) pool must be held separately from all other pools and will in no way be part of a daily double, exacta, trifecta or any other wagering pool. The choose (n) is a pool wherein the bettor is required to select any (n) winning horses from

that particular card and is not a parlay (a wager using the proceeds of a previous winning bet).

(2) The association must obtain written approval from the executive secretary concerning the format and scheduling of choose (n) contests, the races in which choose (n) wagering will be permitted, and the amount of any cap to be set on the carryover. The choose (n) pool must close after each race but will reopen with respect to subsequent races that have not yet been run provided that there are at least as many races remaining as required to be selected on a winning choose (n) ticket. Once approved, any changes will require approval from the executive secretary.

(3) The number of races in a choose (n) pool is designated by the association, while the specific races wagered on are at the discretion of the bettor. The races need not be consecutive and the first race of a choose (n) ticket may begin at any time provided that there are an adequate number of races left on the program. The bettor may purchase a choose (n) ticket allowing the bettor to select any (n) races from the entire card, unless the association has designated a race not eligible for the choose (n) pool.

(4) The choose (n) pool will be apportioned under one of the following methods:

(a) Method one - Choose (n) no carryover: The choose (n) "net wagering pool" will be equally distributed to the holder or holders of choose (n) tickets which correctly select (n) first place winners from the eligible races comprising the choose (n). If no choose (n) ticket correctly selects (n) first place winners from choose (n) eligible races, the "net wagering pool" of a choose (n) with no carryover amount will be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the choose (n). If there are no winning wagers, the pool is refunded.

(b) Method two - Choose (n) with carryover: The choose (n) "net wagering pool" and carryover, if any, will be distributed as a single price pool to holders of choose (n) tickets which have correctly selected the winner of (n) races of the races comprising the choose (n). However, if no choose (n) ticket correctly selects the first place winner in (n) races comprising the choose (n), twenty-five percent of the net wagering pool for that particular choose (n) will be equally distributed to the holder or holders of choose (n) tickets correctly selecting the greatest number of first place winners of the races comprising the choose (n) and the remaining seventy-five percent of the net wagering pool for that particular choose (n) will be added as the "carryover amount" portion of the wagering pool for designated subsequent choose (n) offerings by the association. In any choose (n) with a "carryover amount" feature, one hundred percent of the "net wagering pool" for the particular choose (n) plus any accumulated "carryover amount," will be equally distributed to the holder or holders of choose (n) tickets which correctly select the first place winners in (n) races comprising the choose (n).

(5) The association will determine the denominations of the choose (n) tickets. No less than two or more than six races will comprise any choose (n) ticket.

(6) The choose (n) tickets must be clearly and immediately distinguishable from other parimutuel tickets.

(7) Those horses constituting an entry or field, as defined by rule, will race in any choose (n) race as a single wagering

interest for purposes of the choose (n) pool calculations. A scratch after wagering has begun of any part of the entry or field selection in a race will have no effect on the status of such entry or field as a wagering interest.

(8) At any time after wagering begins on the choose (n) contest, should a horse, entire betting entry or field be scratched or declared a nonstarter in any choose (n) race, no further tickets selecting such horses, entry or field will be issued, and wagers upon such horse, entry or field for purposes of the choose (n) will be deemed wagers upon the horse, entry or field on which the most money has been wagered in the win pool at the close of win betting for such race. In the event that two horses have the exact amount wagered on them, the horse, entry or field with the lowest program number will be designated.

(9) In the event of a dead heat for win between two or more horses in any of the choose (n) races, all such horses will be considered as the winning horse for the purpose of distributing the choose (n) pool.

(10) The choose (n) pool with a carryover will be calculated as follows:

(a) One hundred percent of the net amount in the choose (n) pool subject to distribution among winning ticket holders must be distributed among holders of choose (n) tickets which have correctly selected the winner of (n) races of the races comprising the choose (n).

(b) In the event there is no choose (n) ticket which correctly designates the winner of (n) races from the races that comprise the choose (n), twenty-five percent of that racing date's net amount available for distribution must be distributed among the holders of choose (n) tickets correctly designating the most winning selections of the races that comprise the choose (n), and the remaining seventy-five percent of said pool must be carried over and added to the pool on the next day that the wager is conducted.

(c) If, on the last day on which the choose (n) is conducted at a horse race meeting, no one selects the winning horse in (n) races, the total amount of the choose (n) pool which exists on that day must be paid to the bettor or bettors selecting the largest number of winning horses in those races. In no event will any part of the pool be carried over to the next year's race meeting, except for reasons beyond the control of the licensee and upon the approval of the executive secretary. If, for any reason, the choose (n) carryover must be held over to the corresponding choose (n) pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the executive secretary. The choose (n) carryover plus accrued interest will then be added to the net choose (n) pool of the following meet on a date and performance so designated by the executive secretary.

(11) When the distance of the race is changed or the condition of the turf course warrants a change of racing surface in any of the races open to choose (n) wagering, and such change has not been made known to the betting public prior to the close of wagering for the first choose (n) race, the stewards will declare the changed races a "no contest" for choose (n) wagering purposes and the pool will be distributed in accordance with subsection (10) of this section. Following the designation of a race as a "no contest," no tickets may be sold selecting a horse in such "no contest" race. Any race that

has been canceled or declared a "no contest" may not be considered a contested race for choose (n) purposes.

(12) If, for any reason, one or more races are canceled or declared a "no contest," the choose (n) pool will be paid using the following formula:

(a) Choose two: Any live ticket regardless of its starting point that has not completed at least two contested legs will be refunded. After two or more races have run, one hundred percent of the daily pool plus any carryover will be distributed in accordance with subsection (10) of this section.

(b) Choose three: Any ticket regardless of its starting point that has not completed at least three contested legs will be refunded. After three or more races have run: One hundred percent of the daily pool plus any carryover must be distributed in accordance with subsection (10) of this section.

(c) Choose four: Any ticket regardless of its starting point that has not completed at least four contested legs must be refunded. After four or more races have run: One hundred percent of the daily pool plus any carryover must be distributed in accordance with subsection (10) of this section.

(d) Choose five: Any ticket regardless of its starting point that has not completed at least four contested legs must be refunded.

(i) In the event that only four choose five races are contested: One hundred percent of that day's net pool (not including any carryover), after refunds, will be paid to tickets with four wins and no losses.

(ii) In the event that at least five races have been contested for the choose five: Seventy-five percent of that day's net pool (after refunds) plus any carryover will be paid to tickets with five wins and twenty-five percent of the pool will be paid to tickets with four wins and no losses. In the event no ticket has five wins, seventy-five percent of the daily pool will be paid to tickets with four wins and a selection in the canceled race and twenty-five percent paid to tickets with three wins and a selection in two of the canceled races.

(e) Choose six: Any ticket regardless of its starting point that has not completed at least four contested legs must be refunded.

(i) In the event only four choose six races are contested: One hundred percent of the day's net pool (not including any carryover) after refunds, must be paid to tickets with four wins.

(ii) In the event that only five choose six races are contested: Seventy-five percent of the daily pool (after refunds) will be paid to tickets with five wins and twenty-five percent to tickets with four wins and no losses and a selection in the noncontested race.

(iii) In the event that at least six races have been contested for the choose six and two or more races have not been contested: Seventy-five percent of the daily pool plus any carryover must be paid to tickets with six wins, eighteen and three-quarter percent of the daily pool to tickets with five wins and a selection in a noncontested race, and six and one-quarter percent of the daily pool will be paid to tickets with four wins and selections in two of the noncontested races. If no ticket has six wins, fifty percent of the daily pool must be paid to tickets with five wins and a selection in a noncontested race, twenty-five percent of the daily pool to tickets with four wins and selections in two noncontested races, and

twenty-five percent of the daily pool to tickets with five wins and one loss.

(iv) In the event that at least six races have been contested for the choose six and one race has not been contested: Seventy-five percent of the daily pool plus any carryover must be paid to tickets with six wins and twenty-five percent of the daily pool to tickets with five wins and a selection in the noncontested race. If no ticket has six wins, seventy-five percent of the daily pool must be paid to tickets with five wins and a selection in the noncontested race and twenty-five percent of the daily pool to tickets with five wins and one loss.

(v) In the event that there is no payable ticket in a category within any of these subsections, that portion of the daily pool will be divided equally between the other categories within that subsection. In the event that there is no payable ticket within a subsection, the entire daily pool will be carried over and added to the choose (n) pool on the next day that the choose (n) wagering is conducted.

(13) When there is a cancellation of the race card or a race is declared a no contest and there are any changes in the calculation of the choose (n) other than provided for in subsection (12) of this section, the change must be approved in writing by the executive secretary.

(14) If, for any reason, the race card is canceled, wagering on the choose (n) pool must close immediately and the choose (n) pool must be distributed in accordance with subsection (12) of this section.

(15) The choose (n) carryover may be capped at a designated level approved by the executive secretary so that if at the close of any performance, the amount in the choose (n) carryover equals or exceeds the designated cap, the choose (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the choose (n) carryover is frozen, one hundred percent of the net pool, part of which would ordinarily be added to the choose (n) carryover, must be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the choose (n) for that performance.

(16) A written request for permission to distribute the choose (n) carryover on a specific performance may be submitted to the executive secretary. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(17) Should the choose (n) carryover be designated for distribution on a specified date and performance in which there are no wagers with (n) wins, the entire pool must be distributed as a single price pool to those whose selection finished first in the greatest number of choose (n) contests. The choose (n) carryover will be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the executive secretary as provided in subsection (16) of this section.

(b) Upon written approval from the executive secretary when there is a change in the carryover cap, a change from one type of choose (n) wagering to another, or when the choose (n) is discontinued.

(c) On the closing performance of the meet or split meet.

(18) With the written approval of the executive secretary, the association may contribute to the choose (n) carryover a sum of money up to the amount of any designated cap.

(19) All choose (n) rules and methods of calculations must be available and posted for the bettors by the association.

(20) It is a violation of these rules for any person to provide information to any individual regarding covered combinations or amounts wagered on specific combinations. This rule is not intended to prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data. The association may be permitted to provide information regarding number of tickets sold and number of live tickets remaining to the wagering public.

(21) The association may suspend previously approved choose (n) wagering with the prior approval of the executive secretary. Any carryover will be held until the suspended choose (n) wagering is reinstated. An association may request approval of a choose (n) wager or separate wagering pool for specific performances.

(22) Should circumstances occur which are not addressed by these rules, the stewards will resolve them in accordance with general parimutuel practice. Decisions regarding distribution of the choose (n) pool made by the stewards will be final.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-15-091, § 260-48-935, filed 7/14/06, effective 8/14/06.]

WAC 260-48-940 Head-to-head wagering (1) Head-to-head wagering requires the selection of the winning contestant in a designated contest or series of contests, in a competition between two or more equally matched betting interests, or based on the sportsmanship and/or skill of the jockeys and/or trainers, regardless of the official placing of the other betting interests in that contest or series of contests.

(2) The choice of which contestants from a contest shall participate in the head-to-head contest shall be made as follows:

(a) The association must obtain approval from the board of stewards for each head-to-head contest.

(b) The matching of contestants for the head-to-head contest shall be limited to contestant versus contestant, jockey versus jockey, and/or trainer versus trainer.

(c) The contestants chosen for the head-to-head wager shall be conspicuously identified in the official program.

(3) The net head-to-head pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

(a) As a single price pool to those whose selection finished first in a single head-to-head contest, or first in the greatest number of a series of head-to-head contests; but if there are no such wagers, then

(b) The head-to-head pool shall be refunded.

(4) If there is a dead heat in a contest involving two or more of the contestants in:

(a) A single-contest head-to-head pool, then the entire pool shall be refunded.

(b) One or more contests of a series, then all the contestants involved in the dead heat shall be considered winners and the net pool shall be distributed as a signal price pool, provided that;

(c) In a series of contests, if there is a dead heat in half or more of the contests then the head-to-head pool for those contests shall be refunded.

(5) If any head-to-head contest is canceled or declared no contest:

(a) In a single-contest head-to-head pool, the pool shall be refunded.

(b) In a series of contests, if half or more of the contests are canceled or declared no contest, then the head-to-head pool for those contests shall be refunded.

(6) If any contestant is scratched or declared a nonstarter in any head-to-head contest, then that contest shall be canceled.

(7) If all contestants fail to finish in a head-to-head contest, then that contest shall be canceled.

[Statutory Authority: RCW 67.16.020, 03-11-017, § 260-48-940, filed 5/12/03, effective 6/12/03.]

WAC 260-48-960 Handicapping contests. A licensed class 1 racing association may, with the approval of the commission, operate a handicapping contest at which the participants may be charged an entry fee. All paid-entry handicapping contests must be conducted in accordance with the provisions of this rule.

(1) A handicapping contest is defined as a competitive event, where participants, using individual skill to evaluate a variety of factors including the past performance of horses to determine the relative qualities and abilities of horses in a race, attempt to outperform other participants in selecting the finish of horses. Participants who are most successful in selecting horses become eligible to win prizes as prescribed in the official rules of the contest. Prizes and format are pre-defined and at the discretion of the class 1 racing association.

(2) A class 1 racing association desiring to offer a paid-entry handicapping contest must first apply for and receive approval from the commission to conduct a handicapping contest in Washington. The class 1 racing association must apply to the commission for approval of each and every contest. The class 1 racing association must include with its application the proposed rules for conducting the handicapping contest and the determination of prizes. The class 1 racing association shall obtain written approval to operate the handicapping contest prior to the acceptance of any entry fees regarding said contest.

(3) The class 1 racing association approved to operate a handicapping contest shall distribute at least ninety-five percent of the entry fees as prizes to the winners. Nothing in this section shall preclude an operator from providing additional prizes or promotions.

(4) The entry fee to enter a handicapping contest shall be set by the class 1 racing association. The entry fee and a description of all goods and services to be awarded as part of the handicapping contest must be fully disclosed to each participant prior to paying the entry fee. In addition, all prizes, including amenities such as airfare, meals and lodging, shall also be fully disclosed to each participant prior to paying the entry fee.

(5) Races that are the subject of a handicapping contest must be races on which the class 1 racing association is authorized to conduct parimutuel wagering.

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(6) The officers and employees of the class 1 racing association operating a handicapping contest, and their immediate families are prohibited from participating in any handicapping contest. Commissioners and employees of the commission are also prohibited from participating in any handicapping contest in Washington.

(7) The class 1 racing association shall provide the commission a report on every handicapping contest including a record of all entry fees collected, the number of participants for each contest, the amount the class 1 racing association paid in prizes, and the name and address of each winning participant.

(8) Any violation of this section shall be referred to the commission. The commission shall have sole authority to ensure compliance with this rule, conduct hearings on violations, and determine penalties.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-19-016, § 260-48-960, filed 9/9/05, effective 10/10/05.]

Chapter 260-49 WAC

ADVANCE DEPOSIT WAGERING

WAC

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WAC 260-49-010 Definitions. For the purposes of this chapter, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Account" shall mean an account for advance deposit wagering with a complete record of credits, wagers and debits established by an account holder and managed by an authorized advance deposit wagering service provider.

(2) "Account holder" shall mean a natural person, at least twenty-one years of age for whom an authorized advance deposit wagering service provider has opened an account.

(3) "Advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) "Authorized advance deposit wagering service provider" means an entity licensed by the commission, pursuant to this chapter, to conduct advance deposit wagering including such entity's facility location, equipment and staff involved in the management, servicing and operation of advance deposit wagering.

(5) "Applicant" is a natural person, at least twenty-one years of age, who has submitted an application to establish an

account with an authorized advance deposit wagering service provider.

(6) "Application" shall mean the form or forms and other required submissions received from an applicant for the purpose of opening an account.

(7) "Class 1 racing association" shall mean any person or entity holding a current and valid license issued by the commission pursuant to chapter 67.16 RCW to hold race meets.

(8) "Commission" means the Washington horse racing commission.

(9) "Communications by other electronic means" includes communications by any electronic communication device or combination of devices including, but not limited to, the following: Personal computers, the internet, private networks, interactive televisions and wireless communication technologies or other technologies approved by the commission.

(10) "Confidential information" shall include the following:

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of an authorized advance deposit wagering service provider that would identify the account holder to anyone other than the commission, the authorized advance deposit wagering service provider, the regulatory authority in the state that regulates the authorized advance deposit wagering service provider or as otherwise required by state or federal law.

(11) "Credits" shall mean all deposits of money into an account.

(12) "Debits" shall mean all withdrawals of money from an account.

(13) "Deposit" shall mean a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(14) "Foreign jurisdiction" shall mean a jurisdiction of a foreign country or political subdivision thereof.

(15) "Natural person" shall mean any person, at least twenty-one years of age, but does not include any corporation, partnership, limited liability company, trust, or estate.

(16) "Principal residence address" shall mean that place where the natural person submitting an application for an account resides at least fifty percent of the time during the calendar year.

(17) "Proper identification" shall mean a form of identification sufficient to ensure that the person making a transaction is an account holder.

(18) "Secure personal identification code" shall mean an alpha and/or numeric character code chosen by an account holder as a means by which the authorized advance deposit wagering service provider may verify a wager or account transaction as authorized by the account holder.

(19) "Source market fee" shall mean the part of a wager made on any race by a person whose principal residence address is in Washington that is returned to the class 1 racing association and the commission.

(20) "Source market fee area" means the state of Washington.

(21) "Withdrawal" shall mean a payment of money from an account by an authorized advance deposit wagering service provider to the account holder.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-010, filed 10/18/04, effective 11/18/04.]

WAC 260-49-020 Requirements to conduct authorized advance deposit wagering.

(1) The advance deposit wagering rules set forth in this chapter shall apply to the establishment and operation of accounts by an authorized advance deposit wagering service provider for applicants whose principal residence address is in the state of Washington.

(2) Advance deposit wagering by any person whose principal residence address is in the state of Washington may be conducted only by an authorized advance deposit wagering service provider licensed by the commission pursuant to this chapter.

(3) A class 1 racing association must obtain commission approval of its contract with an authorized advance deposit wagering service provider.

(4) No advance deposit wagering service provider shall solicit, accept, open or operate an account for any person with a principal residence address in the state of Washington unless the service provider has received a license in good standing from the commission.

(5) The commission may suspend or revoke a license to operate as an authorized advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an authorized advance deposit wagering service provider and/or impose fines, if the authorized advance deposit wagering service provider, its officers, directors, or employees violate chapter 67.16 RCW or Title 260 WAC.

(6) An authorized advance deposit wagering service provider located within Washington shall not solicit, accept, open or operate advance deposit wagering accounts for persons whose principal residence is outside of the state of Washington, including residents of foreign jurisdictions unless:

(a) The service provider has received a license from the commission in good standing;

(b) Wagering on that same type of live racing is lawful in the jurisdiction which is the person's principal residence; and

(c) The authorized advance deposit wagering service provider complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. §§ 3001 to 3007, and the laws of the jurisdiction, which is the principal place of residence of the applicant.

(7) The authorized advance deposit wagering service provider shall provide a bond or irrevocable letter of credit in an amount set by the commission for the purpose of ensuring that payments to the commission and to Washington account holders are made. In the alternative, a service provider may provide other means of assurance of such payment including,

but not limited to, evidence of bond(s), irrevocable letter(s) of credit or other forms of financial guarantees posted and in good standing with regulatory authorities in other jurisdictions, which shall be subject to the approval of the commission. Any bond, letter of credit or other assurance of payment acceptable to the commission provided by the service provider shall run to the Washington horse racing commission as obligee, and shall be for the benefit of the commission and any account holder who suffers a loss by reason of the service provider's violation of chapter 67.16 RCW or these rules. The bond, letter of credit or other assurance of payment shall be conditioned on the obligor as licensee faithfully complying with chapter 67.16 RCW and these rules. The bond shall be continuous and may be canceled by the surety only upon the surety giving written notice to the executive secretary of its intent to cancel the bond. The notice of cancellation shall be effective no sooner than thirty days after the notice is received by the executive secretary. In the event of cancellation of the bond, letter of credit or other assurance of payment the service provider shall file a new bond, letter of credit or other assurance of payment prior to the effective date of the cancellation notice.

(8) Persons whose primary residence is within Washington shall not participate in advance deposit wagering unless such activity is conducted through an authorized advance deposit wagering service provider.

(9) The content and frequency of reports from an authorized advance deposit wagering service provider shall be at the discretion of the commission.

(10) No class 1 racing association shall enter into a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(11) Every class 1 racing association approved under this chapter shall file with the commission a monthly statement showing amounts contributed to and balances in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than twenty-five days after the end of each month.

(12) In determining whether to approve an application under this chapter, the commission shall consider the following factors:

(a) The impacts on all entities conducting business as part of the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts of the state where the authorized advance deposit wagering service provider is located are sufficient for compliance with applicable laws and for the protection of the public and to ensure the integrity of all operations and financial transactions under the agreement between the class 1 racing association and the authorized advance deposit wagering service provider; and

(c) Any other factor the commission identifies on the record as relevant to its determination.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-020, filed 10/18/04, effective 11/18/04.]

WAC 260-49-030 Advance deposit wagering service provider license for a class 1 racing association. (1) A class 1 racing association licensed under chapter 67.16 RCW and

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chapter 260-13 WAC may apply for a license from the commission to operate as an advance deposit wagering service provider in accordance with chapter 67.16 RCW and this chapter.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the class 1 racing association shall file with the commission an original and five copies of the application and plan of operation.

(3) As part of the application, the class 1 racing association shall submit a detailed plan of how its proposed advance deposit wagering service provider would operate. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and advance deposit wagering service provider will operate and the regular hours of operation;

(b) Programs for responsible wagering;

(c) A plan for verification of an applicant's identity, age and residence when establishing an account;

(d) Establish a dispute resolution process for account holders who file a claim against the advance deposit wagering service provider;

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live; and

(h) Any additional information required by the commission.

(4) The commission may require changes in a proposed plan of operations as a condition of granting a license.

(5) The commission may conduct investigations or inspections or request additional information from the class 1 racing association, as it deems appropriate in determining whether to license the class 1 racing association to operate as an advance deposit wagering service provider.

(6) A license authorizes only the class 1 racing association to establish, manage and operate an advance deposit wagering service provider. The class 1 racing association shall not subcontract operation of the advance deposit wagering service provider to another person or entity.

(7) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(8) No subsequent changes in the advance deposit wagering service provider's plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(9) The commission, or its staff, shall be given access to review and audit all records and financial information of a class 1 racing association related to the conduct of advance deposit wagering, including resident and nonresident accounts. This information shall be made available to the commission or its staff by the class 1 racing association at its location at reasonable hours. The commission may require the class 1 racing association to annually submit to the commission audited financial statements of the advance deposit wagering service provider.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-030, filed 10/18/04, effective 11/18/04.]

WAC 260-49-040 Advance deposit wagering service provider license for nonclass 1 racing associations. (1) Prior to accepting applications from Washington residents for advance deposit wagering accounts, the advance deposit wagering service provider must have:

(a) An agreement with a class 1 racing association, that has been approved by the commission; and

(b) A license from the commission to conduct advance deposit wagering.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the entity shall file with the commission an original and five copies of the application and plan of operation.

(3) The operator of an advance deposit wagering service provider applying for a license to conduct advance deposit wagering must provide the following information as part of the application:

(a) If the service provider is an individual, his/her legal name and the legal name of his/her spouse and dates of birth and address;

(b) If the service provider is a corporation:

(i) The date and place of incorporation;

(ii) The names and addresses of its shareholders, and the names, addresses and dates of birth of directors and officers who are natural persons; and

(iii) If a shareholder is a corporation then the date and place of its incorporation, and the names and addresses and dates of birth of those corporations' directors and officers. If the service provider is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection shall be required from the directors of the not-for-profit entity, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(c) If the service provider is a general or limited partnership, the names, addresses, and dates of birth of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names and addresses and dates of birth of its directors and officers must be provided;

(d) The commission reserves the right to require fingerprints as part of the license application process;

(e) Information from the service provider that demonstrates whether the service provider has the financial resources to operate as an advance deposit wagering service provider;

(f) A copy of the written agreement between the class 1 association and the advance deposit wagering service provider and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(g) Written approval to conduct advance deposit wagering from the appropriate regulatory authority in the state where the advance deposit wagering service provider is located;

(h) A description of how the state where the service provider is located regulates and monitors the advance deposit

wagering facility for compliance with applicable law and protection of the public; and

(i) Any other information required by the commission.

(4) The written agreement between the class 1 racing association and the advance deposit wagering service provider must contain substantially the following terms:

(a) A description of the fee structure and fees to be paid to the class 1 racing association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law or rule.

(5) The commission's approval of a specific agreement under this section is not binding on the commission as to any other agreement.

(6) As part of the application for licensure as an advance deposit wagering service provider, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate and the regular hours of operation;

(b) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live;

(c) Programs for responsible wagering;

(d) A plan for verification of an applicant's identity, age and residence when establishing an account;

(e) Establish a dispute resolution process for account holders who file a claim against the authorized advance deposit wagering service provider;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) An advance deposit wagering service provider located in Washington must include how the provider will implement the requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington; and

(h) Any other issues as required by the commission.

(7) The commission may require changes to an advance deposit wagering service provider's proposed plan of operations as a condition of granting a license. No subsequent material changes in the plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(8) The advance deposit wagering service provider applying for a license shall provide to the commission the number of Washington accounts on file with its business as of 1:00 p.m. PST April 1, 2004, and the total wagering activity since that time until the date of the application for license in Washington. Any operator of an advance deposit wagering service provider authorized by the commission to conduct advance deposit wagering shall pay the source market fee on all advance deposit wagers for all accounts since 1:00 p.m. PST April 1, 2004, that have Washington as the principal residence address.

(9) The commission may conduct investigations or inspections or request additional information from the applicant for a license under this section as it deems appropriate in determining whether to approve the license application.

(10) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(11) The advance deposit wagering service provider accepting a license from the commission recognizes and accepts the jurisdiction of the state of Washington as provided in RCW 4.28.185. The advance deposit wagering service provider shall provide to the commission or its staff access to review and audit all records and financial information of the advance deposit wagering service provider, including all Washington account information. An advance deposit wagering service provider located in Washington, shall also provide access to the commission, or its staff to review and audit all records and financial information maintained by the advance deposit wagering service provider that relate to applications and accounts for persons whose primary residences are not located in Washington. This information shall be made available to the commission or its staff by the advance deposit wagering service provider at the service provider's location upon notice from the commission or commission staff at all reasonable times. The commission may require the service provider annually submit to the commission audited financial statements of the advance deposit wagering service provider.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-040, filed 10/18/04, effective 11/18/04.]

WAC 260-49-050 Establishing an account. (1) An established account is necessary to place advance deposit wagers. An account may only be established with an authorized advance deposit wagering service provider.

(a) To establish an account, an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

- (i) The applicant's full legal name;
- (ii) Principal residence address;
- (iii) Telephone number;
- (iv) Proper identification or certification demonstrating that the applicant is at least twenty-one years of age; and
- (v) Any additional information required by the commission.

(b) Each application submitted shall be verified with respect to name, principal residence address, and date of birth by either an independent service provider or another means which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by an independent service provider. If there is a discrepancy between the application submitted and the information provided by the verification described above or if no information on the applicant is available from such verification process, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If the applicant's information cannot be verified, the authorized advance deposit wagering service provider shall not establish an account.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the advance deposit wagering service provider provided the account holder is given notice in writing prior to the change.

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(3) The applicant shall supply a secure personal identification code when the account holder is placing an advance deposit wager. The account holder has the right to change this code at any time.

(4) The holder of the account shall receive at the time the account is approved:

- (a) Unique account identification number;
- (b) Copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account;
- (c) Notice that the account holder must be at least twenty-one years of age, and that individuals under the age of twenty-one shall not have access to the account;
- (d) Such other information as the authorized advance deposit wagering service provider or the commission may deem appropriate.

(5) Accounts shall only be accepted in the name of a natural person.

(6) The account is nontransferable between natural persons.

(7) The authorized advance deposit wagering service provider may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

(8) Any disputes between an account holder and an authorized advance deposit wagering service provider shall follow the dispute resolution procedures contained in the authorized advance deposit wagering service provider's plan of operations as approved by the commission. If the authorized advance deposit wagering service provider fails to resolve the dispute, the commission may take appropriate action including claims against the bond or other form of financial security.

(9) The authorized advance deposit wagering service provider shall state in all advertising in the state of Washington that residents under the age of twenty-one are not permitted to open, own or have access to an advance deposit wagering account.

(10) If the authorized advance deposit wagering service provider is located in Washington, no account shall be established for any natural person under the age of twenty-one.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-050, filed 10/18/04, effective 11/18/04.]

WAC 260-49-060 Operation of an account. (1) The authorized advance deposit wagering service provider may refuse deposits to an account for what it deems good and sufficient reason.

(2) The authorized advance deposit wagering service provider may suspend any account or close any account at any time provided that when an account is closed, they shall, within seven calendar days, return to the account holder all moneys then on deposit by sending a check to the last known principal residence address.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder may be made in the following forms:

(i) Cash, which may be deposited at financial or retail outlets designated by the authorized advance deposit wagering service provider;

(ii) Check, money order or negotiable order of withdrawal given or sent to an authorized advance deposit wagering service provider;

(iii) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, if the use of the card has been approved by the authorized advance deposit wagering service provider;

(iv) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account; or

(v) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the authorized advance deposit wagering service provider.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the authorized advance deposit wagering service provider of an advance deposit wager, the authorized advance deposit wagering service provider shall debit the account in the amount of the wager;

(b) For fees for service or other transaction-related charges by the authorized advance deposit wagering service provider;

(c) The authorized advance deposit wagering service provider may close accounts in which there has been no activity for at least six months, returning funds remaining therein to the account holder at his/her last known principal residence address; or

(d) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorization or other documents required by applicable laws.

(5) Account holders may communicate instructions concerning advance deposit wagers to the advance deposit wagering service provider in person, by mail, telephone, or other electronic means.

(6) The authorized advance deposit wagering service provider shall not accept wagers from an account holder in an amount in excess of the account balance.

(7) Notwithstanding any other rules, the authorized advance deposit wagering service provider may at any time declare the advance deposit wagering closed for receiving wagers on any parimutuel pool, race, group of races, or closed for all wagering. Any time advance deposit wagering is closed other than coincident with the start of a race, a written report must be filed with the commission within forty-eight hours. Any time the authorized advance deposit wagering service provider is closed during its normal hours of operation a written report must be filed with the commission within forty-eight hours.

(8) The authorized advance deposit wagering service provider has the right at any time and for what it deems good

and sufficient reason to refuse to accept all or part of any wager.

(9) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and his/her personal identification code.

(10) Payment on winning parimutuel wagers and credits for advance deposit wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(11) The authorized advance deposit wagering service provider shall provide written or electronic statements of an individual's account activity at any time upon the request of the account holder.

(12) No employee or agent of the authorized advance deposit wagering service provider shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the authorized advance deposit wagering service provider, except to the account holder or as required by these rules, the commission, and as otherwise required by state or federal law, or Title 260 WAC.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-060, filed 10/18/04, effective 11/18/04.]

WAC 260-49-070 Distribution of source market fee.

(1) A source market fee shall be paid monthly, unless otherwise directed by the commission, for the source market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall, at least monthly, unless otherwise directed by the commission, distribute the total source market fee as follows:

(a) Ninety percent of the total source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission.

(b) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund.

(c) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

(d) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-19-015, § 260-49-070, filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-070, filed 10/18/04, effective 11/18/04.]

WAC 260-49-080 Distribution of source market fee—More than one class 1 racing association. (1) The source market fee generated from wagers on a class 1 racing association's live races will be distributed to the class 1 racing association conducting that meet after deducting contributions to the commission, one percent owners bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining source market fee from the class 1 racing association's live meet shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association.

(2) The source market fee generated from races conducted outside Washington shall be allocated proportionate to the gross amount of all sources of parimutuel wagering during each twelve-month period derived from the associations' live race meets after deducting contributions to the commission, one percent owners' bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining proportional share of the source market fee from races conducted outside Washington shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association. "All sources of parimutuel wagering" shall mean the total of in-state and out-of-state wagering on the associations' live race meet. This percentage must be calculated annually. The commission shall calculate the proportion of the source market fee for each class 1 racing association based upon the preceding calendar year. The commission shall inform the authorized advance deposit wagering service provider(s) of the percentage of source market fee to be distributed to each class 1 racing association. The authorized advance deposit wagering service provider(s) shall distribute the source market fee to the class 1 racing associations according to the percentages established by the commission.

(3) A class 1 racing association is not entitled to source market fees until it has completed one race meet in accordance with the requirements of RCW 67.16.200.

(4) A class 1 racing association must complete a live race meet in accordance with RCW 67.16.200 within each succeeding twelve-month period to maintain eligibility to continue participating in advance deposit wagering and to receive a proportionate share of the source market fee.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-080, filed 10/18/04, effective 11/18/04.]

WAC 260-49-090 Licensing fees to operate advance deposit wagering. (1) Application fees.

(a) A nonrefundable application fee of five thousand dollars must be submitted with all license applications to conduct authorized advance deposit wagering.

(b) The applicant will be billed and shall be responsible for any costs involved in the background checks, investigation, and review of the application in excess of five thousand dollars.

(2) An annual license fee of one thousand dollars shall be payable to the commission on issuance of the original license. Thereafter, the annual renewal license fee shall be one thousand dollars due thirty days prior to the license expiration. The licensee will be billed and shall be responsible for any costs in excess of one thousand dollars associated with the review and investigation of the annual renewal application.

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[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-090, filed 10/18/04, effective 11/18/04.]

WAC 260-49-100 Enforcement and penalties. (1) Any violations of this chapter shall be referred to the commission. The commission shall have sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The commission may suspend or revoke a license issued to an advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an advance deposit wagering service provider and/or impose fines, if the licensee:

(a) Violates any of the requirements of chapter 67.16 RCW or these rules;

(b) Fails to provide a bond or letter of credit or evidence thereof in another jurisdiction to the satisfaction of the commission;

(c) Fails to make payments in a timely manner as required by these rules;

(d) Fails to comply with any conditions on the license imposed by the commission;

(e) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required payments to other state regulatory agencies;

(f) Poses a threat to the effective regulation of wagering or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of wagering activities, as demonstrated through the prior activities, criminal record, reputation, habits, or associations;

(g) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefore by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule, then within thirty days after receiving a written request therefore from the commission or its staff;

(h) Commits, or has committed, any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or approval of agreements.

(3) The commission shall afford a licensee the opportunity for an adjudicative proceeding prior to denial, suspending or revoking a license or imposing fines, and shall provide a class 1 racing association and/or an authorized advance deposit wagering service provider a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the service provider.

(4) The commission shall have authority to ensure compliance with these regulations, including, but not limited to, injunctive relief and the imposition of fines, suspensions and revocation of license and repayment of outstanding source market fees.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-100, filed 10/18/04, effective 11/18/04.]

Chapter 260-52 WAC

THE RACE—PADDOCK TO FINISH

WAC

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| 260-52-010 | Paddock to post. |
| 260-52-020 | Post position. |
| 260-52-030 | Starting the race. |
| 260-52-040 | Post to finish. |
| 260-52-050 | Placing judges—Duties. |
| 260-52-060 | Camera and photographs. |
| 260-52-070 | Declaring race "official." |
| 260-52-080 | Official time of the race. |
| 260-52-090 | Dead heats. |

WAC 260-52-010 Paddock to post. (1) Permission must be obtained from a steward to exercise a horse between races.

(2) In a race, each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of an entry each horse making up the entry shall carry the same number (head and saddlecloth) with a distinguishing letter. For example, 1-1A, 1X. In the case of a field the horses comprising the field shall carry an individual number; i.e., 12, 13, 14, 15, and so on.

(3) After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

(4) In case of accident to a jockey, his mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

(5) All horses shall parade and, under penalty of disqualification, shall carry their weight from the paddock to the starting post, such parade to pass the steward's stand.

(6) After entering the track not more than 12 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.

(7) If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock and another jockey obtained.

(8) No person shall wilfully delay the arrival of a horse at the post.

(9) No person other than the rider, starter, or assistant starter shall be permitted to strike a horse, or attempt, by shouting or otherwise to assist it in getting a start.

(10) In all races in which a jockey will not ride with a whip, an announcement of that fact shall be made over the public address system.

[Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-52-010, filed 3/24/81; Rules 187 through 196, filed 4/21/61.]

WAC 260-52-020 Post position. Post position shall be determined publicly by lot in the presence of the racing secretary or his deputy. After a regular carded horse or horses

have been excused from a race, all horses shall move up in post position order; except in the case of a race on the straightaway, in which case the also-eligible shall take the stall of the horse declared out or scratched. The above rule shall apply unless the association specifically states otherwise in its stakes or condition book.

[Statutory Authority: RCW 67.16.040. 00-20-028, § 260-52-020, filed 9/27/00, effective 10/28/00; Order 3, § 260-52-020, filed 5/12/69; Rule 210, filed 4/21/61.]

WAC 260-52-030 Starting the race. (1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a nonstarter.

(3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a nonstarter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one or more parimutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multirace wagers.

[Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-030, filed 3/1/00, effective 4/1/00; Order 74.2, § 260-52-030, filed 10/30/74; Order 73.7, § 260-52-030, filed 12/3/73; Rules 247, 248, 249 and 254, filed 4/21/61.]

WAC 260-52-040 Post to finish. (1) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win. No jockey shall unnecessarily cause his/her horse to shorten its stride so as to give the appearance of having suffered a foul.

(2) If a jockey strikes or touches another jockey or another jockey's horse or equipment, his/her mount may be disqualified.

(3) When clear in a race a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it may be disqualified;

(4) A horse which interferes with another and thereby causes any other horse to lose ground or position or causes any other horse to break stride, when such other horse is not at fault and when such interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might, in the opinion of the stewards be reasonably be expected to finish, may be disqualified;

(5) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible;

(6) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If

a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

(7) When the stewards determine that a horse shall be disqualified, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last;

(8) If a horse is disqualified, any horse or horses with which it is coupled as an entry may also be disqualified;

(9) When a horse is disqualified in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time;

(10) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse;

(11) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

(12) No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his/her best efforts to win.

(13) Any jockey who uses a whip during the running of a race is prohibited from whipping a horse:

(a) In an excessive or brutal manner;

(b) On the head, flanks, or on any part of its body other than the shoulders or hind quarters;

(c) During the post parade except when necessary to control the horse;

(d) When the horse is clearly out of the race.

[Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-040, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-52-040, filed 3/24/81; Rule 211, filed 4/21/61.]

WAC 260-52-050 Placing judges—Duties. The placing judge or judges shall be primarily responsible for ascertaining violations of WAC 260-52-040 during the running of a race and shall additionally report to the stewards the winning horses of each race and perform each and every other duty delegated by the commission. If there is a close finish, the photograph shall be submitted to the stewards for examination and for concurrence on the result before the order of finish of the race is displayed or announced. In the case of a dead heat, or disagreement as to the correct order of finish, the decision of the stewards shall be final. In placing the horses at the finish, the position of the horses noses only shall be considered and not any other part of the body.

[Order 75-1, § 260-52-050, filed 2/18/75; Rule 202, filed 1/30/67; Rule 202, filed 4/21/61.]

WAC 260-52-060 Camera and photographs. (1) On all tracks proper cameras shall be installed as an aid to the stewards, placing and patrol judges, however, in all cases, the cameras are merely an aid and the decisions of the stewards

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are to be final. The photograph or video image of each finish shall be posted in at least one conspicuous place as promptly as possible after each race where a photo finish occurs.

(2) The association shall keep on file for the duration of the meeting each plate or film or tape of each race for reference or reproduction upon request of the commission.

[Statutory Authority: RCW 67.16.040. 00-07-041, § 260-52-060, filed 3/6/00, effective 4/6/00; Rule 203, filed 1/30/67; Rules 203 and 204, filed 4/21/61.]

WAC 260-52-070 Declaring race "official." (1) The clerk of the scales shall weigh in all jockeys after each race, and after weighing, shall notify the stewards if the weights are correct. The stewards may then declare the race official. However, the commission may authorize a racing association to employ a "fast official" method of declaring a race official when a written request is received from the racing association at least 45 days prior to the opening of the race meeting. When using the "fast official" jockeys shall claim foul immediately following the running of the race, while still mounted on the race track. The association will be responsible for having an outrider or other individual situated on the race track and equipped with a communication device for relaying any objections to the stewards. Owners and trainers must claim foul directly to the stewards via telephones assigned by the association for that purpose and situated throughout the facility. No claim of foul will be considered by the stewards after a race has been declared official.

(2) Nothing in these rules shall be construed to prevent the placing judges, with the approval of the stewards, from correcting an error before the display of the sign "official" or from recalling the sign, "official" in case it has been displayed through error.

[Statutory Authority: RCW 67.16.040. 99-05-047, § 260-52-070, filed 2/12/99, effective 3/15/99; Rules 205 and 206, filed 4/21/61.]

WAC 260-52-080 Official time of the race. That the time recorded for the first horse to cross the finish line shall be the official time of the race. (Except as provided by WAC 260-70-710, namely, that if a horse establishes a track record and it later develops in the chemical analysis of the sample that there is the presence of a drug, then such track record shall be null and void.)

[Statutory Authority: RCW 67.16.040. 00-20-027, § 260-52-080, filed 9/27/00, effective 10/28/00; Rule 277, filed 4/21/61.]

WAC 260-52-090 Dead heats. See WAC 260-64-060.

Chapter 260-56 WAC

OBJECTIONS AND PROTESTS

WAC

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| 260-56-010 | Who may file. |
| 260-56-020 | Requisites—Time for filing. |
| 260-56-040 | Disposition of moneys, prizes, pending outcome. |
| 260-56-050 | Withdrawal of protests. |
| 260-56-060 | Frivolous protests. |
| 260-56-070 | Records and reports. |

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

260-56-030 Costs and expenses. [Rules of racing, §§ 226, 227, filed 4/21/61.] Repealed by 05-05-044, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-56-010 Who may file. (1) A protest, except a protest involving fraud, may be filed only by the owner (or his authorized agent), trainer, or jockey of a horse engaged in the race over which the protest is made or by a racing official of the meeting.

(2) A protest involving fraud may be made by any person.

[Rules of racing, §§ 220, 221, filed 4/21/61.]

WAC 260-56-020 Requisites—Time for filing. (1) A protest, except a claim growing out of happenings in the running of the race, must be made in writing, signed by the complainant and filed with the stewards before post time of the race in question.

(2) To merit consideration, a protest against the programmed distance of a race must be made at least thirty minutes before post time for that race, but nothing in this rule shall affect the rule for races run at a wrong distance as compared with the official program.

(3) To merit consideration, a protest against a horse based on a happening in a race must be made to the stewards before the placing of the horses for that race has been officially confirmed.

(4) If a jockey wishes to protest a happening in a race, he must notify the clerk of the scales, immediately upon his arrival at the scales for weighing in.

[Rules of racing, §§ 222 through 225, filed 4/21/61.]

WAC 260-56-040 Disposition of moneys, prizes, pending outcome. Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be held by the racing association until the protest is determined.

[Rules of racing, § 228, filed 4/21/61.]

WAC 260-56-050 Withdrawal of protests. A protest may not be withdrawn without permission of the stewards.

[Rules of racing, § 229, filed 4/21/61.]

WAC 260-56-060 Frivolous protests. No person shall make frivolous protests.

[Rules of racing, § 230, filed 4/21/61.]

WAC 260-56-070 Records and reports. The stewards shall keep a record of all protests and complaints and of any action taken thereon; and shall report both daily to the commission.

[Rules of racing, § 231, filed 4/21/61.]

[Title 260 WAC—p. 84]

Chapter 260-60 WAC
CLAIMING

WAC

260-60-300 Who may claim.
260-60-310 Entering in a claiming race.
260-60-330 Claims to be in amount printed on program.
260-60-340 Disposition by lot.
260-60-350 Requirements for a claim.
260-60-360 Stewards to act on claims.
260-60-370 Affidavit.
260-60-380 Prohibited actions.
260-60-390 Claim in bad faith.
260-60-400 Entry of a filly or mare in foal.
260-60-410 Claimed horse—In whose interest run—Delivery and passage of title.
260-60-420 Claimed horse—Refusal to deliver.
260-60-440 Claimed horse—Subsequent sale or transfer—Retention by owner.
260-60-450 Claimed horse—Title recognized according to rules of meeting.
260-60-460 Cancellation of claims.
260-60-470 Rules apply to all races.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

260-60-010 Who may claim—Owner or agent. [Order 73.7, § 260-60-010, filed 12/3/73; Rules of racing, § 33, filed 4/21/61; Amended 3/8/63, filed 1/21/64.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-020 Prospective owner or agent. [Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-032 (Order 79-04), § 260-60-020, filed 12/17/79; Order 73.7, § 260-60-020, filed 12/3/73; Rules of racing, § 33(a), Added 3/8/63, filed 1/21/64.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-030 Limit as to number claimed. [Rules of racing, §§ 34, 35, 36, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-040 Claims to be in amount printed on program—Disposition by lot. [Rules of racing, § 41, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-050 Formal requisites of claim. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-050, filed 4/22/81; Rules of racing, § 42, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-060 Deposit with association of amount of claim—Receipt credit. [Order 73.7, § 260-60-060, filed 12/3/73; Rules of racing, § 43, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-070 Time for deposit of claim in claiming box—Claims irrevocable. [Order 73.7, § 260-60-070, filed 12/3/73; Rules of racing, § 46, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-080 Divulging information prohibited. [Rules of racing, § 47, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-090 Stewards to pass on claims. [Order 73.7, § 260-60-090, filed 12/3/73; Rules of racing, § 48, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-100 Affidavit as to claim in own account or as agent. [Rules of racing, § 50, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-110 Unlawful agreements—Intimidation. [Rules of racing, § 52, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

260-60-115 Claim in bad faith. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-115, filed 4/22/81.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

- 260-60-120 Disclosure of incumbrances—Entry of mare in foal in a claiming race. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-60-120, filed 3/24/81; Rules of racing, § 53, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-130 Claiming race, limit as to horses in same interest or control. [Rules of racing, § 44, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-140 Claimed horse—In whose interest run—Delivery and passage of title. [Rules of racing, § 49, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-150 Claimed horse—Refusal to deliver. [Rules of racing, § 51, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-160 Claimed horse—Subsequent entry. [Rules of racing, § 37, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-170 Claimed horse—Subsequent sale or transfer—Retention by owner. [Rules of racing, § 38, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-180 Claimed horse—Racing elsewhere. [Rules of racing, § 39, filed 8/26/65; Rules of racing, § 39, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-190 Claimed horse—Title recognized according to rules of meeting. [Rules of racing, § 40, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-200 Claimed horse—Foal certificate. [Rules of racing, § 45, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-210 Cancellation of claims. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-210, filed 4/22/81; Rules of racing, § 57, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-220 Claiming rights when stable eliminated. [Rules of racing, §§ 55, 56, filed 4/21/61.] Repealed by Order 73.7, filed 12/3/73.
- 260-60-230 Rules apply to all races. [Rules of racing, § 54, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-320 Limit to number. [Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-320, filed 5/23/96, effective 6/23/96.] Repealed by 05-07-063, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-60-430 Claimed horse—Subsequent entry. [Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-430, filed 5/23/96, effective 6/23/96.] Repealed by 06-07-061, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-60-300 Who may claim. (1) In claiming races, any horse is subject to be claimed for its entered price by any owner licensed by the commission, including a prospective owner who has been issued a claiming certificate, or by a licensed authorized agent for the account of such owner.

(2) In order to claim a horse as a prospective owner, a person shall submit to the stewards a completed application for a prospective owner's license and the name of a licensed trainer who will assume the care and responsibility for any horse claimed. The stewards shall issue a claiming certificate to the applicant upon satisfactory evidence that the applicant is eligible for an owner's license. Once the prospective owner has successfully claimed a horse and made payment of labor and industry fees due, he/she shall be considered an owner. At that time the owner should contact a commission office for a new identification badge.

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(3) The names of licensed prospective owners who have been issued a claiming certificate shall be prominently displayed in the offices of the commission and the racing secretary.

(4) A claiming certificate shall expire with the conclusion of the race meet at which it was issued, upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

(5) No owner or prospective owner shall claim more than one horse in any one race.

(6) An authorized agent may claim up to two horses, if each horse is claimed on behalf of a different owner, as long as the owners do not have a common interest. An authorized agent shall not make a claim on the same horse for different owners.

(7) When a training stable consists of horses owned by more than one person, not more than two claims may be entered on behalf of such training stable in any one race.

(8) In claiming races not more than two horses in the same interest or under the control of the same trainer can start.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-063, § 260-60-300, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-60-300, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-300, filed 5/23/96, effective 6/23/96.]

WAC 260-60-310 Entering in a claiming race. A person entering a horse in a claiming race warrants that the title to said horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-310, filed 5/23/96, effective 6/23/96.]

WAC 260-60-330 Claims to be in amount printed on program. The claiming price of each horse in a claiming race shall be printed on the program, and all claims for said horse shall be the amount so designated. Except as ordered by the stewards, no claiming price may be changed after a horse has been entered for a race.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-330, filed 5/23/96, effective 6/23/96.]

WAC 260-60-340 Disposition by lot. Should more than one claim be filed for the same horse, the claim of the horse shall be determined by lot under the direction of one or more of the stewards, or their representative.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-340, filed 5/23/96, effective 6/23/96.]

WAC 260-60-350 Requirements for a claim. (1) Claims must be made in writing and signed by an owner, a licensed prospective owner, or an authorized agent; and

(2) Shall be made on forms and in envelopes furnished by the association and approved by the commission. Both

forms and envelopes must be filled out completely, and must be sufficiently accurate to identify the claim.

(3) In the case of joint ownership only one owner needs to sign.

(4) No money shall accompany the claim. Each person desiring to make a claim, must first establish an account with the racing association and have on deposit with the association the whole amount of the claim (including any applicable taxes). The deposit shall be in cash, or in the discretion of the association, a certified or bank cashier check.

(5) Claims shall be deposited in the claiming box at least fifteen minutes before the established post time of the race for which the claim is filed. When a claim has been filed it is irrevocable and at the risk of claimant.

(6) When a claiming certificate is to be used, that certificate must accompany the claim, or the claim may be declared void.

[Statutory Authority: RCW 67.16.020. 04-05-093, § 260-60-350, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-350, filed 5/23/96, effective 6/23/96.]

WAC 260-60-360 Stewards to act on claims. After deposit of the claim the stewards or their authorized representative, shall review the claim. Unless approved at such time, the claim shall be deemed void. A ruling deeming a claim to be void shall be final in all respects.

[Statutory Authority: RCW 67.16.020. 04-05-093, § 260-60-360, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-360, filed 5/23/96, effective 6/23/96.]

WAC 260-60-370 Affidavit. The stewards may, at any time, in their discretion, require any person making a claim for a horse in any claiming race, to affirm in writing that he is claiming said horse for his own account or as authorized agent, and not for any other person.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-370, filed 5/23/96, effective 6/23/96.]

WAC 260-60-380 Prohibited actions. (1) No official or other employee of any association shall give any information as to the filing of claims until after the race has been run.

(2) No person shall offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race.

(3) No person shall attempt, by intimidation, to prevent any one from running a horse in any race for which it is entered.

(4) No owner or trainer, starting a horse in any claiming race, shall make any agreement for the protection of each other's horses.

(5) A person shall not claim a horse in which he/she has a financial or beneficial interest as an owner or trainer.

(6) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(7) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-380, filed 5/23/96, effective 6/23/96.]

[Title 260 WAC—p. 86]

WAC 260-60-390 Claim in bad faith. If the stewards find that a person has leased, sold or entered a horse merely for the purpose of entering a claim, that claim may be declared void.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-390, filed 5/23/96, effective 6/23/96.]

WAC 260-60-400 Entry of a filly or mare in foal. No person shall enter a filly or mare in a race when such mare is pregnant, unless prior to the time of entry the owner shall have deposited with the racing secretary a signed agreement providing that the owner will at the time of entry provide for the successful claimant of such mare, without cost, protest, or fee of any kind, a valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare may file with the commission a petition for rescission of the claim if it is determined the claimed mare is pregnant and the agreement concerning the stallion service certificate was not deposited as required by this section. An in-foal filly or mare shall be eligible to be entered into a claiming race only if the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in his/her office;

(2) The stallion service certificate has been deposited with the racing secretary's office and attached to the horse's foal registration certificate;

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(4) No filly or mare in foal may race, in a claiming race, after the fifth month of pregnancy.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-400, filed 5/23/96, effective 6/23/96.]

WAC 260-60-410 Claimed horse—In whose interest run—Delivery and passage of title. Every horse claimed shall run in the interest and for the account of the owner who entered it in the race, but title to the claimed horse shall be vested in the successful claimant from time said horse becomes a "starter." Henceforth, the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during the race or after it. Transfer of possession of a claimed horse shall take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the test barn for post-race testing, the successful claimant or his/her representative shall maintain physical custody of the claimed horse. However, the original owner, trainer or his/her representative shall accompany the horse, observe the testing procedure and sign the test sample tag.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-410, filed 5/23/96, effective 6/23/96.]

WAC 260-60-420 Claimed horse—Refusal to deliver. No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore, the horse in question shall be disqualified until delivery is made.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-420, filed 5/23/96, effective 6/23/96.]

(2007 Ed.)

WAC 260-60-440 Claimed horse—Subsequent sale or transfer—Retention by owner. If a horse is claimed it shall not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from date of claim, nor shall it, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-440, filed 5/23/96, effective 6/23/96.]

WAC 260-60-450 Claimed horse—Title recognized according to rules of meeting. When a horse is claimed at a recognized meeting under rules which are at variance with these rules, title to such horse shall be recognized in Washington to follow the rules of the meeting under which the claim was made.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-450, filed 5/23/96, effective 6/23/96.]

WAC 260-60-460 Cancellation of claims. If within thirty days from the running of the race, in which a horse is claimed, the stewards find that a claim was made in violation of the rules of racing the stewards may disallow and cancel any such claim and order the return of the horse and the claim payment. In deciding whether to cancel a claim the stewards shall consider which party was at fault, the status of the horse at the time the claiming violation is discovered, and such other factors as appropriate. Should the stewards cancel a claim, they may order, as appropriate, payment for the care and maintenance of the horse involved. The stewards may refer to the commission for further action any case involving a violation of the rules of racing with respect to a claim regardless of whether the stewards deem it appropriate to order the cancellation of the claim.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-460, filed 5/23/96, effective 6/23/96.]

WAC 260-60-470 Rules apply to all races. These rules shall apply to all races under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-470, filed 5/23/96, effective 6/23/96.]

Chapter 260-64 WAC WINNINGS

WAC

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| 260-64-010 | What embraced in winnings—"Winner of a certain sum." |
| 260-64-020 | Winnings in stake race. |
| 260-64-030 | Extra amount won in series of races. |
| 260-64-040 | Foreign winnings. |
| 260-64-050 | Entrance money, starting and subscription fees. |
| 260-64-060 | Dead heats. |

WAC 260-64-010 What embraced in winnings—"Winner of a certain sum." Winnings shall include all prizes up to the time appointed for the start, and shall apply to all races in any country, and embrace walking over or receiving forfeit, but not second or third money, or the value of any prize not of money or not paid in money. Winnings during the year shall be reckoned from January 1st preceding.

(2007 Ed.)

Winner of a certain sum shall mean winner of a single race of that value unless otherwise expressed in the conditions.

[Order 74.2, § 260-64-010, filed 10/30/74, effective 1/1/75; Rules of racing, § 315, filed 4/21/61.]

WAC 260-64-020 Winnings in stake race. The winnings of a horse in a stake race shall be computed on the value of the gross earnings on and after January 1, 1961.

[Rules of racing, § 316, filed 4/21/61.]

WAC 260-64-030 Extra amount won in series of races. In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount shall not be included in the horse's winnings until the series or part of it, is finished and hence the extra amount is definitely ascertainable. When ascertained it shall be added to the race which determined the extra amount.

[Rules of racing, § 317, filed 4/21/61.]

WAC 260-64-040 Foreign winnings. Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winnings.

[Rules of racing, § 318, filed 4/21/61.]

WAC 260-64-050 Entrance money, starting and subscription fees. The entrance money, starting and subscription fees, in every race, shall go to the winner unless otherwise provided in its conditions, but when from any cause a race is not run, all stakes or entrance money, if any paid, shall be returned.

[Rules of racing, § 319, filed 4/21/61.]

WAC 260-64-060 Dead heats. (1) When two or more horses run a dead heat, the dead heat shall not be run off.

(2) The owners of the horses in a dead heat shall divide equally the purse money involved.

(3) If a dead heat is for first place, each horse shall be considered a winner of the amount received according to subsection (2) of this section.

(4) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which run the dead heat shall be deemed to have run a dead heat for first place.

(5) Owners shall divide equally all moneys and other prizes and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

[Rules of racing, §§ 77 through 81, filed 4/21/61.]

Chapter 260-66 WAC WALKING OVER

WAC

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| 260-66-010 | Walking over. |
| 260-66-020 | Awards. |
| 260-66-030 | Entry of two or more horses. |

[Title 260 WAC—p. 87]

WAC 260-66-010 Walking over. If, at the time for saddling, only one horse shall have weighed out, that horse shall be ridden past the judge's stand, go to the post, and then move over the course. He shall then be deemed the winner.

[Rules of racing, § 292, filed 4/21/61.]

WAC 260-66-020 Awards. (1) In case of a walkover, the horse walking over shall receive:

(a) In overnight races, one-half of the winner's rightful share of first money.

(b) In stake races, one-half of the winner's rightful share of the added money and all fees.

(2) In case of a walkover, any money or prize which by the condition of the race would have been awarded to a horse placed second, or lower in the race, shall, if contributed by the owners, be paid to the winner. If a donation from any other source, it shall not be awarded.

[Rules of racing, §§ 293, 294, filed 4/21/61.]

WAC 260-66-030 Entry of two or more horses. In case of a walkover involving an entry of two or more horses and the horses move over the course, these rules apply as to the division of the purse.

[Rules of racing, § 295, filed 4/21/61.]

Chapter 260-70 WAC

CONTROLLED MEDICATION PROGRAM

WAC

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| 260-70-500 | Definitions applicable to chapter 260-70 WAC. |
| 260-70-510 | Equine health and safety. |
| 260-70-520 | Trainer responsibility. |
| 260-70-530 | Veterinarians under authority of official veterinarian. |
| 260-70-540 | Veterinarians' reports. |
| 260-70-545 | Prohibited practices. |
| 260-70-550 | Medication labeling. |
| 260-70-560 | Treatment restrictions. |
| 260-70-570 | Physical inspection of horses. |
| 260-70-580 | Veterinarian's list. |
| 260-70-590 | Reporting to the test barn. |
| 260-70-600 | Sample collection. |
| 260-70-610 | Storage and shipment of split samples. |
| 260-70-620 | Medication restrictions. |
| 260-70-630 | Threshold levels. |
| 260-70-640 | Permitted medication. |
| 260-70-645 | Anti-ulcer medications. |
| 260-70-650 | Furosemide. |
| 260-70-660 | Furosemide and bleeder lists. |
| 260-70-675 | Bicarbonate testing. |
| 260-70-680 | Uniform classification guidelines. |
| 260-70-710 | Voiding track record. |
| 260-70-720 | Posterior digital neurectomy. |
| 260-70-730 | Postmortem examination. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-70-010 | Definitions applicable to chapter 260-70 WAC. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-04-026 (Order 88-06), § 260-70-010, filed 1/25/89; 87-15-020 (Resolution No. 87-03), § 260-70-010, filed 7/8/87; 86-09-072 (Order 86-02), § 260-70-010, filed 4/21/86; 84-06-061 (Order 84-01), § 260-70-010, filed 3/7/84; Order 75.5, § 260-70-010, filed 10/17/75; Order 74.1, § 260-70-010, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-020 | Medication permitted—Prohibited. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-020, filed 5/4/78; Order 74.1, § 260-70-020, filed 5/22/74, effective 7/1/74.] Repealed by 80-01-072 |

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| 260-70-021 | (Order 79-02), filed 12/24/79. Statutory Authority: RCW 67.16.020 and 67.16.040. Medication standards. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-021, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-021, filed 3/7/84; 82-03-053 (Order 82-01), § 260-70-021, filed 1/20/82; 80-01-072 (Order 79-02), § 260-70-021, filed 12/24/79.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-025 | Bleeder list. [Statutory Authority: RCW 67.16.040. 93-23-009, § 260-70-025, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-025, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-025, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-026 | Bleeder treatment. [Statutory Authority: RCW 67.16.040. 94-20-070, § 260-70-026, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-026, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-026, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-027 | Reciprocity of bleeder list. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-027, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-028 | Detention stall. [Statutory Authority: RCW 67.16.040. 93-23-008, § 260-70-028, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-028, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-029 | Receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-029, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-030 | When administration prohibited. [Order 74.1, § 260-70-030, filed 5/22/74, effective 7/1/74.] Repealed by 80-01-072 (Order 79-02), filed 12/24/79. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-031 | Reporting to receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-031, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-032 | Exclusion from receiving and detention barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-032, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-040 | Horses to be tested. [Statutory Authority: RCW 67.16.040. 94-04-002, § 260-70-040, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 82-07-016 (Order 82-02), § 260-70-040, filed 3/9/82; Order 74.1, § 260-70-040, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-050 | Procedure for taking specimens. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-050, filed 7/8/87. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-050, filed 5/4/78; Order 74.1, § 260-70-050, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-060 | Effect of laboratory analysis. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-060, filed 5/4/78; Order 74.1, § 260-70-060, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-070 | Persons responsible. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-070, filed 5/4/78; Order 74.1, § 260-70-070, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |

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| 260-70-080 | Procedure upon positive finding by chief chemist. [Statutory Authority: RCW 67.16.020, 78-06-001 (Order 78-1), § 260-70-080, filed 5/4/78; Order 74.1, § 260-70-080, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-220 | Posterior digital neurectomy. [Order 74.1, § 260-70-220, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-090 | Permitted level of approved NSAIDs. [Statutory Authority: RCW 67.16.020 and 67.16.040, 89-04-026 (Order 88-06), § 260-70-090, filed 1/25/89; 87-15-020 (Resolution No. 87-03), § 260-70-090, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-090, filed 3/7/84; 80-05-132 (Order 79-03), § 260-70-090, filed 5/7/80; Order 74.1, § 260-70-090, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-230 | List of nerved horses. [Order 74.1, § 260-70-230, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-100 | Penalties relating to overage of permitted medication. [Statutory Authority: RCW 67.16.020 and 67.16.040, 85-12-057 (Order 85-02), § 260-70-100, filed 6/5/85; 84-06-061 (Order 84-01), § 260-70-100, filed 3/7/84; 83-19-054 (Order 83-04), § 260-70-100, filed 9/19/83; 82-03-053 (Order 82-01), § 260-70-100, filed 1/20/82; 80-05-132 (Order 79-03), § 260-70-100, filed 5/7/80; Order 74.1, § 260-70-100, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-240 | Examination required. [Order 74.1, § 260-70-240, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-110 | Commission may require association to set apart place for medication and testing. [Order 74.1, § 260-70-110, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-250 | Medication procedures and related instructions. [Order 74.1, § 260-70-250, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-120 | Sampling medications and drugs. [Statutory Authority: RCW 67.16.020 and 67.16.040, 87-15-020 (Resolution No. 87-03), § 260-70-120, filed 7/8/87; Order 74.1, § 260-70-120, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-260 | Adulteration of sample. [Order 74.1, § 260-70-260, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-130 | Voiding track record. [Order 74.1, § 260-70-130, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-270 | Labelling of medications. [Order 74.1, § 260-70-270, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-140 | Hypodermic instruments. [Statutory Authority: RCW 67.16.020 and 67.16.040, 81-09-075 (Order 81-03), § 260-70-140, filed 4/22/81; Order 74.1, § 260-70-140, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-280 | Effective date—Repealer. [Order 74.1, § 260-70-280, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-150 | Who may administer medications. [Order 74.1, § 260-70-150, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-290 | Reporting to receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040, 82-09-016 (Order 82-03), § 260-70-290, filed 4/9/82.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-160 | Veterinarians under the supervision of state veterinarian—Test barn veterinarian. [Order 74.1, § 260-70-160, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-300 | Exclusion from receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040, 82-09-016 (Order 82-03), § 260-70-300, filed 4/9/82.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-170 | Veterinarian report. [Statutory Authority: RCW 67.16.020 and 67.16.040, 87-15-020 (Resolution No. 87-03), § 260-70-170, filed 7/8/87; 80-05-132 (Order 79-03), § 260-70-170, filed 5/7/80. Statutory Authority: RCW 67.16.020, 78-06-001 (Order 78-1), § 260-70-170, filed 5/4/78; Order 74.1, § 296-70-170, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-670 | Penalties—Guidelines. [Statutory Authority: RCW 67.16.040, 96-10-001, § 260-70-670, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-180 | Improper medication. [Order 74.1, § 260-70-180, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-690 | Penalty recommendations (in the absence of mitigating circumstances). [Statutory Authority: RCW 67.16.040, 96-10-001, § 260-70-690, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-190 | Blocking of legs or ankles. [Order 74.1, § 260-70-190, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-700 | Penalties relating to permitted medication. [Statutory Authority: RCW 67.16.020, 03-06-004, § 260-70-700, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040, 00-07-042, § 260-70-700, filed 3/6/00, effective 4/6/00; 96-10-001, § 260-70-700, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-200 | Bandages. [Statutory Authority: RCW 67.16.020 and 67.16.040, 82-09-016 (Order 82-03), § 260-70-200, filed 4/9/82. Statutory Authority: RCW 67.16.020, 78-06-001 (Order 78-1), § 260-70-200, filed 5/4/78; Order 74.1, § 260-70-200, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | | |
| 260-70-210 | Nerving. [Order 74.1, § 260-70-210, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | | |

WAC 260-70-500 Definitions applicable to chapter 260-70 WAC. (1) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent testing procedures.

(2) "Post time" means the time set for the arrival of the horses at the starting point in a race as specified in writing and posted by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 06-09-009, § 260-70-500, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040, 96-10-001, § 260-70-500, filed 4/17/96, effective 5/18/96.]

WAC 260-70-510 Equine health and safety. The purpose of this chapter is to protect the integrity of horse racing, to ensure the health and welfare of horses under the jurisdiction of the commission and to safeguard the interests of the public and the participants in racing. With this in mind, the commission shall convene an annual meeting, open to all

interested parties, for the review of veterinarian practices, equine health and medication. Such meeting shall include:

- (1) An annual report from an official veterinarian.
- (2) Presentation of data regarding equine medication and treatment, including a review of the commission's quantitative medication levels and any recommendations for modifications.
- (3) Public comment regarding equine health and safety, medication and veterinarian practices.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-510, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-510, filed 4/17/96, effective 5/18/96.]

WAC 260-70-520 Trainer responsibility. The purpose of this subsection is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well being of horses in his/her care.

(1) The trainer is responsible for the condition of horses in his/her care.

(2) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(3) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(4) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(5) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(h) Maintaining a knowledge of the medication record and medication status of horses in his/her care;

(i) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has

been any administration of a prohibited medication, drug or substance;

(j) Ensuring the fitness to perform creditably at the distance entered;

(k) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in this chapter;

(l) Ensuring proper bandages, equipment and shoes; and

(m) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-520, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-520, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-520, filed 4/17/96, effective 5/18/96.]

WAC 260-70-530 Veterinarians under authority of official veterinarian. Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of the official veterinarian and the stewards. An official veterinarian shall make a recommendation to the stewards or the commission of the discipline to be imposed upon a veterinarian who has violated the rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-530, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-530, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-530, filed 4/17/96, effective 5/18/96.]

WAC 260-70-540 Veterinarians' reports. (1) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission shall, in writing on a form approved by the commission, provide a treatment report to an official veterinarian. The report shall include the name of the horse treated, any medication, drug or substance or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(2) The report shall be signed by the practicing veterinarian, and filed with the official veterinarian no later than post time of the race for which the horse is entered.

(3) A timely and accurate treatment report may be used in the mitigation of the penalty.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-540, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-540, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-540, filed 4/17/96, effective 5/18/96.]

WAC 260-70-545 Prohibited practices. The following are prohibited practices:

(1) The possession or use of a drug, substance or medication, specified in subsection (3) of this section, on the premises of a facility under the jurisdiction of the commission; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or the use of which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal, or any forbidden substance.

(3) The possession and/or use of blood doping agents, including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission:

- (a) Erythropoietin
- (b) Darbepoietin
- (c) Oxyglobin
- (d) Hemopure

(4) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(a) Any treated horse shall not be permitted to race for a minimum of ten days following treatment;

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed by the commission;

(c) Prior to use, a report has been filed with an official veterinarian advising that any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine is on the association grounds;

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments are reported to an official veterinarian on the prescribed form not later than the time prescribed by an official veterinarian.

(5) The use of a naso gastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-545, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-545, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-05-094, § 260-70-545, filed 2/18/04, effective 3/20/04.]

WAC 260-70-550 Medication labeling. (1) No person on association grounds, excluding licensed veterinarians, shall have in or upon association grounds, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with applicable state statutes. All such allowable medications must have a prescription label, which is securely attached and clearly ascribed to show the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each horse for whom the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the trainer to whom the product was dispensed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-550, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-550, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-550, filed 4/17/96, effective 5/18/96.]

(2007 Ed.)

WAC 260-70-560 Treatment restrictions. (1) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) Nonveterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, and the substances do not interfere with post race testing:

(a) A recognized noninjectable nutritional supplement or other substance, except that any such supplements or substances that have been disapproved by an official veterinarian may not be administered;

(b) A noninjectable substance on the direction or by prescription of a licensed veterinarian; or

(c) A noninjectable nonprescription medication or substance.

(3) No person shall possess a hypodermic needle, syringe or injectable of any kind on association premises, unless otherwise approved by the stewards. At any location under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall dispose of them in a manner approved by the stewards. If a person has a medical condition which makes it necessary to have a needle and syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a needle and syringe, and must comply with any conditions and restrictions on possession of a needle and syringe established by the stewards.

(4) Veterinarians shall not treat or administer medication or drugs to any entered horse on a race day, and before the post time for the race the horse is entered to run, except for the administration of furosemide under the guidelines set forth in WAC 260-70-650, unless approved by the official veterinarian.

(5) Any horse entered for racing must be present on the grounds as follows, except with the prior approval of the official veterinarian:

(a) A first time starter must be present on the grounds two hours prior to the first post time or five hours prior to the post for the race the horse is entered for racing, whichever is earlier.

(b) A horse that has previously started must be present on the grounds five hours prior to the post time for the race the horse is entered for racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-560, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-560, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-560, filed 4/17/96, effective 5/18/96.]

WAC 260-70-570 Physical inspection of horses. All horses at locations under the jurisdiction of the commission shall be subject to inspections at the discretion of the stewards or an official veterinarian.

(1) Every horse entered to participate in an official race shall be subject to an inspection by an official veterinarian.

(2) The trainer of each horse or a representative of the trainer shall present the horse for inspection as required by an official veterinarian.

(3) The assessment of a horse's racing condition shall be based on the recommendations of the American Association of Equine Practitioners and shall include:

- (a) Proper identification of each horse inspected;
- (b) Observation of each horse in motion;
- (c) Manual palpation when indicated;
- (d) Close observation in the paddock and saddling area, during the parade to post and at the starting gate; and
- (e) Any other inspection deemed necessary by an official veterinarian.

(4) Every horse shall be observed by an official veterinarian during and after the race.

(5) The official veterinarian shall maintain a continuing health and racing soundness record of each horse inspected.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-570, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-570, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-570, filed 4/17/96, effective 5/18/96.]

WAC 260-70-580 Veterinarian's list. (1) An official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or other medical condition.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse is capable of competing in a race.

(a) Horses placed on the veterinarian's list will remain on the list for a minimum of ten days. For purposes of counting days, the first day on the veterinarian's list is the day the horse is placed on the veterinarian's list.

(b) A horse may be removed from the veterinarian's list after the tenth day. Horses that must work to be removed from the veterinary list due to soreness, lameness, or certain injuries will be allowed to work no sooner than the eleventh day after being placed on the list.

(i) Works should be scheduled with the official veterinarian twenty-four hours in advance.

(ii) Horses must work a minimum distance to be determined by the official veterinarian in a time comparable for the track condition that day.

(iii) A blood test will be taken by an official veterinarian following the workout and medications levels may not exceed permitted post-race levels.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-580, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-580, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-580, filed 4/17/96, effective 5/18/96.]

WAC 260-70-590 Reporting to the test barn. (1) The official winning horse and any other horse ordered by the stewards, official veterinarian or the commission shall be taken to the test barn to have a blood and/or urine sample taken at the direction of an official veterinarian.

(2) Random or extra testing may be required by the stewards, the official veterinarian, or the commission at any time on any horse on association grounds.

(3) Unless otherwise directed by the stewards or an official veterinarian, a horse that is selected for testing must be taken directly to the test barn.

(4) Access to the test barn shall be monitored and restricted. All persons who wish to enter the test barn must be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area. No horse shall have more than three representatives in the test barn at any one time.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-590, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-590, filed 4/17/96, effective 5/18/96.]

WAC 260-70-600 Sample collection. (1) Sample collection shall be done in accordance with guidelines and instructions provided by official veterinarians.

(2) An official veterinarian shall determine a minimum sample requirement for the primary testing laboratory.

(a) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

(b) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(c) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

(d) Blood samples must be collected at a consistent time, preferably not later than one hour post-race.

(e) At Class C race tracks the splitting of samples will be conducted by the primary testing laboratory.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-600, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-600, filed 4/17/96, effective 5/18/96.]

WAC 260-70-610 Storage and shipment of split samples. (1) Split samples obtained in accordance with WAC 260-70-600 (2)(b) and (c) shall be secured and made available for further testing in accordance with the following procedures:

(a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the commission.

(b) A freezer for storage of split samples shall be equipped with a lock. The lock shall be closed and locked to prevent access to the freezer at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(d) A log shall be maintained by the official veterinarian that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the

time the freezer was closed and to verify that the lock was secured prior to and after opening of the freezer.

(e) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to an official veterinarian or a designated commission representative.

(2) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than forty-eight hours after the trainer of the horse receives written notice of the findings of the primary laboratory. The split sample shall be shipped within seventy-two hours of the delivery of the request for testing to the stewards.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian to package the split sample for shipping shall constitute a waiver of all rights to split sample testing. Prior to shipment, the split sample laboratory's willingness to provide the testing requested and to send results to both the person requesting the testing and the commission, shall be confirmed. Arrangements for payment satisfactory to the split sample laboratory shall also be confirmed. A laboratory for the testing of a split sample must be approved by the commission. The commission shall maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission shall provide a split sample chain of custody verification form. The split sample chain of custody verification form shall be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative shall keep the original and provide a copy for the owner, trainer or designee.

Split sample chain of custody verification form requirements:

- (a) The date and time the sample is removed from the split sample freezer;
- (b) The sample number;
- (c) The address where the split sample is to be sent;
- (d) The name of the carrier and the address where the sample is to be taken for shipment;
- (e) Verification of retrieval of the split sample from the freezer;
- (f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;
- (g) Verification of the address of the split sample laboratory on the split sample package;
- (h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and
- (i) The date and time custody of the sample is transferred to the carrier.

(2007 Ed.)

(5) A split sample shall be removed from the split sample freezer, and packaged for shipment by an official veterinarian or designee in the presence of the owner, trainer or designee.

The split sample chain of custody verification form shall be signed by both the owner's representative and the official veterinarian or designee to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package. The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(6) The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-610, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-610, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-11-018, § 260-70-610, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-610, filed 4/17/96, effective 5/18/96.]

WAC 260-70-620 Medication restrictions. (1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

- (a) Drugs or medications for which no acceptable threshold concentration has been established;
- (b) Therapeutic medications in excess of established threshold concentrations;
- (c) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and
- (d) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(2) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse by any means, a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter during the twenty-four hour period before post time for the race in which the horse is entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-620, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-620, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-620, filed 4/17/96, effective 5/18/96.]

WAC 260-70-630 Threshold levels. (1) The following quantitative medication levels are permissible in test samples up to the stated quantitative levels:

| | |
|--------------|--------------------------|
| Procaine | 25 ng/ml urine |
| Benzocaine | 50 ng/ml urine |
| Mepivacaine | 10 ng/ml urine |
| Lidocaine | 50 ng/ml urine |
| Bupivacaine | 5 ng/ml urine |
| Clenbuterol | 25 pg/ml serum or plasma |
| Acepromazine | 25 ng/ml urine |
| Promazine | 25 ng/ml urine |

| | |
|-------------|---------------------|
| Salicylates | 750,000 ng/ml urine |
| Albuterol | 1 ng/ml urine |
| Pyrimidine | 50 ng/ml urine |
| Theobromine | 2000 ng/ml urine |

The official urine test sample may not contain more than one of the above drug substances, including their metabolites or analogs, in an amount exceeding the specified level. Official blood test samples must not contain any of the drug substances listed above, including their metabolites or analogs, except for the threshold amount established in this rule.

(2) Certain substances can be considered environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases.

(3) Certain drugs are recognized as substances of human use and addiction and which could be found in a horse. The following are permissible in test samples up to the stated quantitative levels:

| | |
|-----------------------|---------------------------|
| Caffeine | 100 ng/ml serum or plasma |
| Benzoylcegonine | 50 ng/ml urine |
| Morphine Glucuronides | 50 ng/ml urine |

(4) If the preponderance of evidence presented in a stewards ruling conference shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use, that evidence should be considered as a mitigating factor in any disciplinary action taken against the trainer.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-630, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-630, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-05-095, § 260-70-630, filed 2/18/04, effective 3/20/04; 03-11-019, § 260-70-630, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-630, filed 4/17/96, effective 5/18/96.]

WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication shall be a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) shall be permitted under the following conditions:

(a) The drug shall not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least twenty-four hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone - 5 micrograms per milliliter;
- (ii) Flunixin - 20 nanograms per milliliter;
- (iii) Ketoprofen - 10 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule, may be administered within the twenty-four hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the

approved NSAIDs shall be discontinued at least forty-eight hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-640, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-640, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-640, filed 4/17/96, effective 5/18/96.]

WAC 260-70-645 Anti-ulcer medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to twenty-four hours prior to the race in which the horse is entered.

- (1) Cimetidine (Tagamet®) - 8-20 mg/kg PO BID - TID
- (2) Omeprazole (Gastrogard®) - 2.2 grams PO SID
- (3) Ranitidine (Zantac®) - 8 mg/kg PO BID

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-645, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-645, filed 3/11/05, effective 4/11/05.]

WAC 260-70-650 Furosemide. (1) Furosemide may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide or bleeder list.

(2) The use of furosemide shall be permitted under the following circumstances:

(a) Furosemide shall be administered on the grounds of the association, by a single intravenous injection, prior to post time for the race for which the horse is entered.

(b) The furosemide dosage administered shall not exceed 500 mg nor be less than 150 mg.

(c) The trainer of the treated horse shall cause to be delivered to an official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The name of the horse, the horse's tattoo number, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide in accordance with these rules may result in the horse being scratched from the race by the stewards.

(e) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(i) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is

found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;

(ii) Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-650, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-650, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-650, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 02-10-102, § 260-70-650, filed 4/30/02, effective 5/31/02; 96-10-001, § 260-70-650, filed 4/17/96, effective 5/18/96.]

WAC 260-70-660 Furosemide and bleeder lists. The official veterinarians shall maintain a furosemide list and a bleeder list of all horses eligible to race with furosemide. The list is a statewide list that applies to all licensed associations.

(1) Furosemide list.

(a) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to the official veterinarian prior to the close of entries to ensure public notification.

(b) If the official veterinarian so orders, a horse placed on the furosemide list shall be placed in detention in its regularly assigned stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. Once placed in detention, a horse must remain in its barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled for the race, except that the stewards may permit a horse to leave detention to engage in exercise blowouts or warm-up heats.

(c) The confirmation of a horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the furosemide list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request.

(d) Every horse eligible to race with furosemide, regardless of age, shall be placed on the furosemide list.

(e) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on forms provided by the official veterinarian and must be submitted to the official veterinarian no later than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty calendar days unless determined to be detrimental to the welfare of the horse, in consultation with an official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five day period, the horse may not be placed back on the list for a period of ninety calendar days.

(2) Bleeder list.

(a) The official veterinarian shall maintain a bleeder list of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both

nostrils during or after a race or workout as observed by the official veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the bleeder list and be ineligible to race for the following time periods:

(i) First incident - fourteen days;

(ii) Second incident within three hundred and sixty-five day period - thirty days;

(iii) Third incident within three hundred and sixty-five day period - one hundred and eighty days;

(iv) Fourth incident within three hundred and sixty-five day period - barred from racing for life.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy.

(e) Every horse that is confirmed a bleeder shall have a notation affixed to the horse's certificate of registration.

(f) A horse may be removed from the bleeder list only upon the direction of the official veterinarian.

(3) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on the furosemide list in this jurisdiction.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-660, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-660, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-660, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-660, filed 4/17/96, effective 5/18/96.]

WAC 260-70-675 Bicarbonate testing. No bicarbonate-containing substance or alkalizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or total carbon dioxide in a horse shall be administered to a horse within twenty-four hours of post time of the race in which the horse is entered.

The official veterinarian, the board of stewards or the executive secretary acting on behalf of the commission may at their discretion and at any time order the collection of test samples from any horses either in the horse's stall or within the receiving or test barn to determine the serum or plasma pH or concentration of bicarbonate, total carbon dioxide, or electrolytes.

Test samples shall not exceed 37.0 millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum or plasma total carbon dioxide level exceeding this value shall constitute a violation of this rule. Penalties shall be assessed as a Class 4 violation as provided in WAC 260-84-110.

Split samples will be taken from all horses entered to run in a race when bicarbonate testing is to be done. When split samples are taken, they shall be shipped as soon as practical to the commission-approved laboratories for total carbon dioxide split sample testing. The commission shall be responsible for the cost of shipping and testing of split samples taken under this section.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-675, filed 4/10/06, effective 5/11/06; 05-17-123, § 260-70-675, filed 8/18/05, effective 9/18/05.]

WAC 260-70-680 Uniform classification guidelines.

The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

(1) Class 1

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a race is very high.

(2) Class 2

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racehorse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

- (a) Opiate partial agonists, or agonist-antagonists;
- (b) Nonopiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);
- (d) Drugs with prominent CNS depressant action;
- (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- (f) Muscle blocking drugs, which have a direct neuromuscular blocking action;
- (g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and
- (h) Snake venoms and other biologic substances, which may be used as nerve blocking agents.

(3) Class 3

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

- (a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);
- (b) A local anesthetic, which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);
- (c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;
- (d) Primary vasodilating/hypotensive agents; and
- (e) Potent diuretics affecting renal function and body fluid composition.

(4) Class 4

This category is comprised primarily of therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

(a) Nonopiate drugs which have a mild central analgesic effect;

(b) Drugs affecting the autonomic nervous system, which do not have prominent CNS, cardiovascular or respiratory effects;

(i) Drugs used solely as topical vasoconstrictors or decongestants,

(ii) Drugs used as gastrointestinal antispasmodics,

(iii) Drugs used to void the urinary bladder,

(iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.

(v) Antihistamines, which do not have a significant CNS depressant effect (this does not include H1 blocking agents, which are listed in Class 5);

(c) Mineralocorticoid drugs;

(d) Skeletal muscle relaxants;

(e) Anti-inflammatory drugs—those that may reduce pain as a consequence of their anti-inflammatory actions, which include:

(i) Nonsteroidal anti-inflammatory drugs (NSAIDs);

(ii) Corticosteroids (glucocorticoids); and

(iii) Miscellaneous anti-inflammatory agents.

(f) Anabolic and/or androgenic steroids and other drugs;

(g) Less potent diuretics;

(h) Cardiac glycosides and antiarrhythmics including:

(i) Cardiac glycosides;

(ii) Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol); and

(iii) Miscellaneous cardiotoxic drugs.

(i) Topical anesthetics—agents not available in injectable formulations;

(j) Antidiarrheal agents; and

(k) Miscellaneous drugs including:

(i) Expectorants with little or no other pharmacologic action;

(ii) Stomachics; and

(iii) Mucolytic agents.

(5) Class 5

Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents, which have very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

(6) Nonclassified substances

Nonclassified substances are considered to have no effect on the physiology of a horse, except to improve nutrition or treat or prevent infections or parasite infestations. These substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-680, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-680, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-680, filed 4/17/96, effective 5/18/96.]

WAC 260-70-710 Voiding track record. In the event that a horse establishes a track record in a race and if it later develops that the chemical analysis of any sample taken indicates the presence of any prohibited substances for which the purse is redistributed, then such track record shall be null and void.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-710, filed 4/17/96, effective 5/18/96.]

WAC 260-70-720 Posterior digital neurectomy. (1)

No person shall bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as an agent in the sale of any horse on the grounds under the jurisdiction of the commission that has had a posterior digital neurectomy performed, or has had any nerve removed from the leg of such horse, except as provided in this chapter.

(2) A horse upon which a posterior digital neurectomy has been performed is eligible to race if the following conditions are met:

(a) Prior approval of an official veterinarian has been obtained before the horse was brought onto the grounds of the racing association;

(b) An official veterinarian is satisfied that the loss of sensation to the horse due to the posterior digital neurectomy will not endanger the safety of the public and the participants in racing and does not compromise the integrity of horse racing;

(c) The racing secretary is notified of the posterior digital neurectomy at the time the horse is admitted to the grounds of the racing association; and

(d) The horse's registration or eligibility certificate has been marked to indicate that a posterior digital neurectomy was performed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-720, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-720, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-720, filed 4/17/96, effective 5/18/96.]

WAC 260-70-730 Postmortem examination. (1)

The commission may require a postmortem examination of any horse that is injured on the grounds of a racing association during its scheduled race meet and training periods, while the horse is in training or in competition and that subsequently expires or is destroyed, or any horse that expires while housed on the grounds. In proceeding with a postmortem examination the commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) Trainers and owners shall be required to cooperate with such action as a condition of licensure.

(3) The official veterinarian may take possession of the horse upon death for postmortem examination. The official veterinarian may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for analysis. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal shall be borne by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-730, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-730, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-730, filed 4/17/96, effective 5/18/96.]

(2007 Ed.)

Chapter 260-72 WAC

COMMUNICATIONS TO AND FROM GROUNDS

WAC

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| 260-72-020 | Transmission of race results. |
| 260-72-040 | Transmission of simulcast signal to account wagering facility. |
| 260-72-050 | Use of personal communication devices on the grounds. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-72-010 | Communication systems, commission approval required—Closure during racing. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-72-010, filed 10/16/86; Rules of racing, § 384, filed 4/21/61.] Repealed by 03-13-073, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.020. |
| 260-72-030 | Transmission or broadcast of information relating to feature races. [Rules of racing, § 386, filed 4/21/61.] Repealed by 04-21-053, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.020. |

WAC 260-72-020 Transmission of race results. A

class 1 racing association may seek approval to broadcast its races for the purpose of satellite wagering as authorized in RCW 67.16.200 Satellite locations—Parimutuel wagering. The class 1 association shall ensure that the audio-visual signal of such broadcast shall be encrypted or manipulated to mask the original video content of the signal and so cause such signal to be indecipherable and unrecognizable to any unauthorized receiver.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-72-020, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 00-20-029, § 260-72-020, filed 9/27/00, effective 10/28/00; 94-04-003, § 260-72-020, filed 1/20/94, effective 2/20/94; Rules of racing, § 385, filed 4/21/61.]

WAC 260-72-040 Transmission of simulcast signal to account wagering facility. (1)

A class 1 racing association may transmit simulcasts of live horse races conducted at its racetrack to an account wagering facility only in accordance with this section, RCW 67.16.200(4), and the interstate horse racing act, 15 U.S.C. Sections 3001 to 3007. In this section, "class 1 racing association" or "association" means the same as in RCW 67.16.200(7).

(2) In this section, "account wagering facility" or "facility" means a business, other than a racing association, that

(a) Facilitates parimutuel wagering on horse races it simulcasts;

(b) Is conducted outside the state of Washington; and

(c) Is licensed or otherwise permitted by law in the state in which it is located.

(3) To transmit a simulcast signal under this section, an association must file an application on a form provided by the commission at least fifteen days before the first simulcast race covered by the application. The executive secretary may approve a request to simulcast under this section, subject to rescission of the approval by the commission within sixty days. The application must include at a minimum:

(a) A copy of the written contract or agreement between the class 1 association and the account wagering facility and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(b) Written approval from the horsemen's association representing the majority of owners and trainers racing at the class 1 racing association;

(c) Written approval from the appropriate regulatory authority in the state where the account wagering facility is located;

(d) A description of how the state where the facility is located regulates and monitors the account wagering facility for compliance with applicable law and for the protection of the public; and

(e) Dates of the live race meet for which the application is being made.

(4) The written agreement between the class 1 racing association and the account wagering facility must contain substantially the following terms:

(a) A specific description of the fee structure and fees to be paid to the association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law, including any wager originating in the state of Washington unless affirmatively permitted by Washington law;

(c) The executive secretary may require the association to submit additional information if he or she determines the additional information is necessary for the commission to effectively evaluate the application;

(d) Approval of an application under this section shall be in effect from the date of approval through the close of the live race meet for which the application is made, unless rescinded by the commission under subsection (3);

(e) The commission's approval of a specific application under this section is not binding on the commission as to any other application.

(5) In determining whether to approve an application under this section, the commission shall consider the following factors:

(a) The impacts on all Washington racing associations, Washington horsemen, and the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts described in WAC 260-72-040 (3)(d) and contained in the application sufficient to ensure the integrity of all operations and financial transactions under the agreement; and

(c) Any other factor the commission identifies on the record as relevant to its approval.

(6) No class 1 racing association shall enter a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(7) Every class 1 racing association approved to transmit a simulcast signal under this section shall file with the commission a monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

[Statutory Authority: RCW 67.16.040. 03-07-058, § 260-72-040, filed 3/14/03, effective 4/14/03.]

WAC 260-72-050 Use of personal communication devices on the grounds. (1) The use of personal communication devices is not allowed by any licensee, except with prior

approval or in the case of an emergency, in the jockey's quarters thirty minutes prior to the first live race and until the final live race on the card is official.

(2) No licensee shall use a personal communication device while on horseback on the racing surface, during live racing, except with permission of the board of stewards.

(3) The use of audible personal communication devices shall be prohibited in the saddling enclosure of the paddock, the receiving barn, and test barn when horses are present. These devices are permitted, but when carried in these areas these devices shall be turned off or set to a silent mode.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-045, § 260-72-050, filed 2/14/05, effective 3/17/05.]

Chapter 260-75 WAC SATELLITE LOCATIONS

WAC

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| 260-75-020 | Satellite locations applications. |
| 260-75-030 | Satellite location. |
| 260-75-040 | Enforcement and penalties. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-75-010 | Satellite locations daily fee. [Statutory Authority: RCW 67.16.040. 91-15-036, § 260-75-010, filed 7/16/91, effective 8/16/91.] Repealed by 01-22-074, filed 11/2/01, effective 12/3/01. Statutory Authority: RCW 67.16.040. |
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WAC 260-75-020 Satellite locations applications.

Each application for a satellite location from a class 1 racing association shall be submitted on the satellite application form provided by the commission. The application form must be completed in every respect, containing all the information and attachments requested. The application includes an association satellite application, satellite location application and a satellite location application—personal history statement.

(1) The association satellite application is to be completed by the sponsoring association.

(2) The satellite location application is to be completed by the proposed satellite location. The application shall be signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete. The following person(s) shall sign the application:

(a) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation;

(b) The principal owner of a sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The executive secretary may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

(3) The satellite location application—personal history statement is to be completed by each individual owner and spouse or each officer of a charitable, nonprofit or profit seeking corporation and any stockholder having ten percent or more corporate stock.

(4) The commission will consider only those applications that have been fully completed. The following reasons will cause an application to be incomplete:

(a) Failure to provide all information requested on the application form and/or attachments;

(b) Failure to provide supplemental information requested during the application investigation.

(5) The commission may disclose to the public or discuss at a public meeting all information set forth in the application and all supplemental information submitted subject to the exemptions in chapter 42.17 RCW and other applicable laws including, but not limited to, chapter 10.97 RCW: Provided, That consistent with chapter 10.97 RCW, the commission may disclose conviction data of an applicant or licensee.

(6) In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(a) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;

(b) A copy of a nonprofit or charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained;

(c) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the satellite activity will be conducted, if such premises are leased or rented.

(7) Before each race meet, on a form approved by the commission, the association shall submit a renewal application for each satellite location.

(8) An association shall inform the commission immediately if any changes are made to the original application.

[Statutory Authority: RCW 67.16.020, 04-19-045, § 260-75-020, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.040, 00-07-040, § 260-75-020, filed 3/6/00, effective 4/6/00.]

WAC 260-75-030 Satellite location. (1) Each satellite location shall have a location manager designated by the host racing association.

(2) All location managers and mutuel clerks shall be licensed by the commission. The host association shall not activate any terminal for any person that is not currently licensed or approved by the commission.

(3) The location managers shall be responsible to ensure the satellite location is in compliance with WAC 260-12-250.

(4) All satellite locations shall be open to inspection without advance notice by the commission or its designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 06-09-010, § 260-75-030, filed 4/10/06, effective 5/11/06; 05-05-042, § 260-75-030, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020, 04-19-045, § 260-75-030, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.040, 00-07-040, § 260-75-030, filed 3/6/00, effective 4/6/00.]

WAC 260-75-040 Enforcement and penalties. (1) Any violations of this chapter shall be referred to the commission. The commission shall have sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The approval to operate a satellite location and/or the license of location managers and mutuel clerks may be sus-

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pending or revoked and/or fines may be imposed, if the commission finds violations of any of the requirements of chapter 67.16 RCW or Title 260 WAC or failure to comply with any conditions on the operation of the satellite location imposed by the commission.

(3) The commission shall provide an opportunity for an adjudicative proceeding prior to denial, suspension or revocation of approval of a satellite location or of a license, or the imposition of fines, and shall provide a class 1 racing association a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the satellite location.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-05-042, § 260-75-040, filed 2/14/05, effective 3/17/05.]

Chapter 260-76 WAC BOOKMAKING

WAC

260-76-010

Hand books and foreign books prohibited.

260-76-020

Bookmakers, vagrants, fugitives, undesirable persons, not permitted at track.

WAC 260-76-010 Hand books and foreign books prohibited. (1) No person shall make a hand book or a foreign book on the grounds of an association.

(2) No person shall solicit for or bet with a hand book or a foreign book on the grounds of an association.

[Rules of racing, §§ 377, 378, filed 4/21/61.]

WAC 260-76-020 Bookmakers, vagrants, fugitives, undesirable persons, not permitted at track. No person who is a bookmaker, or who is known or reputed to be a bookmaker, or is a vagrant within the meaning of the laws of Washington, or who is a fugitive from justice, or whose conduct at a race track in Washington, or elsewhere, now or heretofore, has been improper, obnoxious, unbecoming or detrimental to the best interests of racing, shall enter or remain upon the premises of any licensee conducting a horse racing meet or meeting under the jurisdiction of the commission; and all such persons shall upon discovery or recognition be forthwith ejected from race tracks in the state by licensees in this state and/or the representatives and agents of the commission.

[Rules of racing, § 379, filed 4/21/61.]

Chapter 260-80 WAC CORRUPT AND PROHIBITED PRACTICES

WAC

260-80-010

Offering bribe.

260-80-020

Accepting bribe.

260-80-030

Entering ineligible horse.

260-80-040

Offer or receipt of benefit for declaring entry.

260-80-050

Conspiracy.

260-80-060

Betting for account of jockey.

260-80-070

Offers, gifts, to jockey.

260-80-100

Appliance to alter speed of horse.

260-80-110

Tampering with horse.

260-80-130

Improper language.

260-80-140

Disturbing the peace.

260-80-150

Mistreatment of horses.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

| | |
|------------|---|
| 260-80-080 | Horseshoes. [Rules of racing, § 72, filed 4/21/61.] Repealed by 06-07-059, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-80-090 | Bar plates. [Rules of racing, § 73, filed 4/21/61.] Repealed by 06-07-059, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-80-120 | Paying fine of jockey. [Rules of racing, § 76, filed 4/21/61.] Repealed by 06-07-059, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |

WAC 260-80-010 Offering bribe. No person shall give, offer, or promise, directly or indirectly, either in his own behalf or in behalf of another, to anyone, any bribe, gift or gratuity in any form, for the purpose of improperly influencing the result of a race, or which would tend to do so.

[Rules of racing, § 65, filed 4/21/61.]

WAC 260-80-020 Accepting bribe. No person shall accept or offer to accept on his own behalf or on behalf of another, any bribe, gift or gratuity in any form to influence the result of a race or which would tend to do so.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-059, § 260-80-020, filed 3/10/06, effective 4/10/06. Rules of racing, § 66, filed 4/21/61.]

WAC 260-80-030 Entering ineligible horse. No person shall willfully enter, or cause to be entered, or start a horse which he knows or believes to be ineligible or disqualified.

[Rules of racing, § 67, filed 4/21/61.]

WAC 260-80-040 Offer or receipt of benefit for declaring entry. No person shall offer or receive money or any other benefit for declaring an entry from a race.

[Rules of racing, § 68, filed 4/21/61.]

WAC 260-80-050 Conspiracy. No person shall conspire with any other person for the commission of any corrupt or fraudulent practice in relation to racing nor shall he commit such an act on his own account.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-059, § 260-80-050, filed 3/10/06, effective 4/10/06. Rules of racing, § 69, filed 4/21/61.]

WAC 260-80-060 Betting for account of jockey. No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then only on the horse being ridden by said jockey.

[Rules of racing, § 70, filed 4/21/61.]

WAC 260-80-070 Offers, gifts, to jockey. No person shall offer or give a jockey any money or other benefit in relation to a race unless said person is the owner or trainer of the horse ridden in said race by said jockey.

[Rules of racing, § 71, filed 4/21/61.]

WAC 260-80-100 Appliance to alter speed of horse. No electrical or mechanical device or other appliance designed or intended to increase or decrease the speed of a horse, or that would tend to increase or decrease the speed of a horse, other than the ordinary whip shall be possessed by

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anyone or applied by anyone to a horse, at any time on the grounds of an association, during a meeting whether in a race or otherwise.

Any person aiding or abetting in the use or possession of, or soliciting or inducing the use or possession of such a device or appliance shall be subject to the same penalties as the penalty for possession or use.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-059, § 260-80-100, filed 3/10/06, effective 4/10/06; Order 6, § 260-80-100, filed 12/3/70. Rules of racing, § 74, filed 4/21/61.]

WAC 260-80-110 Tampering with horse. No person shall improperly tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, or in such a way as is intended to affect the horse's speed in a race, nor shall any person counsel or in any way aid or abet any such tampering.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-059, § 260-80-110, filed 3/10/06, effective 4/10/06. Rules of racing, § 75, filed 4/21/61.]

WAC 260-80-130 Improper language. No person shall use improper, profane or indecent language to a racing official, or any employee or representative of the commission.

[Rules of racing, § 16, filed 4/21/61.]

WAC 260-80-140 Disturbing the peace. A person may not disturb the peace while on association grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-15-092, § 260-80-140, filed 7/14/06, effective 8/14/06; Rules of racing, § 17, filed 4/21/61.]

WAC 260-80-150 Mistreatment of horses. While on the association grounds no person shall subject any horse to any form of cruelty, mistreatment, neglect, abuse, abandonment, injury, maiming or killing or administer any noxious substance to or deprive any horse of necessary care or sustenance, shelter or veterinary care. This section does not apply to treatment or euthanasia of a horse by a licensed veterinarian consistent with standard veterinary practices.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-059, § 260-80-150, filed 3/10/06, effective 4/10/06.]

**Chapter 260-84 WAC
PENALTIES**

WAC

| | |
|------------|---|
| 260-84-050 | Suspensions—Computation of time. |
| 260-84-060 | Penalty matrixes. |
| 260-84-065 | Licensees—Drug and alcohol penalties. |
| 260-84-070 | Ejection from grounds—Permission to reenter. |
| 260-84-090 | Equine medication and prohibited substances—Penalties—Guidelines. |
| 260-84-100 | Furosemide penalties. |
| 260-84-110 | Penalties for uniform classifications. |
| 260-84-120 | Penalties relating to permitted medication. |
| 260-84-130 | Penalties for prohibited practices. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

| | |
|------------|---|
| 260-84-010 | Who may impose. [Order 75.7, § 260-84-010, filed 4/30/76; Order 73.2, § 260-84-010, filed 6/28/73; Rules of racing, § 133, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-020 | Report to commission. [Rules of racing, § 134, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. |

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|------------|---|
| | tive 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-030 | Fines—When due. [Statutory Authority: RCW 67.16.020. 79-06-002 (Order 79-1), § 260-84-030, filed 5/4/79; Rules of racing, § 135, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-035 | Payments in lieu of fines. [Order 73.2, § 260-84-035, filed 6/28/73.] Repealed by Order 75.7, filed 4/30/76. |
| 260-84-040 | Disposition. [Order 73.2, § 260-84-040, filed 6/28/73; Rules of racing, § 136, filed 4/21/61.] Repealed by 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020. |
| 260-84-080 | Disposition of fines—Board of relief. [Rules of racing, § 387, filed 4/21/61.] Repealed by 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020. |

WAC 260-84-050 Suspensions—Computation of time. All suspensions for a specified period of time shall be in calendar days. Rulings shall show the first and last day of suspension.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-050, filed 3/11/05, effective 4/11/05. Rules of racing, § 137, filed 4/21/61.]

WAC 260-84-060 Penalty matrixes. (1) The imposition of reprimands, fines and suspensions shall be based on the following penalty matrixes:

| Class A and B Licensed Facilities | | | |
|---|--|--|-----------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Smoking in restricted areas WAC 260-20-030 | \$25 | \$50 | \$100 |
| Disturbing the peace WAC 260-80-140 | Warning to \$200 and/or suspension | Warning to \$500 and/or suspension | Suspension |
| Person performing duties for which they are not licensed WAC 260-36-010 | \$50 | \$100 | \$150 |
| Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230 | \$500 | | |
| Licensing - failure to divulge a felony WAC 260-36-120 | \$100 or possible denial of license | | |
| Licensing - failure to divulge a gross misdemeanor or misdemeanor WAC 260-36-120 | Warning to \$50 | | |
| Licensing - providing false information on application WAC 260-36-120 | \$50 to \$250 or possible denial of license | | |
| Licensing - nonparticipation WAC 260-36-080 | License canceled | | |
| Violation of any claiming rule in chapter 260-60 WAC | \$200 to \$500 plus possible suspension | | |
| Use of improper, profane or indecent language to a racing official WAC 260-80-130 | \$50 | \$100 | \$250 |
| Unsafe vehicle operation WAC 260-20-020 | Warning to \$50 | \$100 and recommend racing association revoke vehicle pass | |
| Financial responsibility WAC 260-28-030 | Resolve within 30 days or before the end of the meet (whichever is sooner) or suspension | | |
| Failure to appear - for ruling conference WAC 260-24-510 | Suspension | | |
| Failure to honor riding engagements (call) - agents WAC 260-32-400 | \$75 | \$100 | \$200 |
| Reporting incorrect weight - jockeys WAC 260-32-150 | \$50 | \$100 | \$200 |
| Failure to appear for films - jockeys WAC 260-24-510 | \$50 | \$100 | \$200 |
| Failure to fulfill riding engagement WAC 260-32-080 | \$100 | \$150 | \$200 |
| Easing mount without cause WAC 260-52-040 | \$250 | \$250 and/or suspension | \$500 and/or suspension |
| Jockey failing to maintain straight course or careless riding WAC 260-52-040 | Warning to \$750 and/or suspension (riding days) | | |
| Jockey's misuse of whip WAC 260-52-040 | Warning to \$2500 | | |

| Class A and B Licensed Facilities | | | |
|--|--|-----------------|-----------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Use of stimulating device (may include batteries) WAC 260-52-040 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Possession of stimulating device (may include batteries) WAC 260-52-040 and 260-80-100 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Entering ineligible horse WAC 260-40-140 and 260-80-030 | \$50 | \$100 | \$100 |
| Arriving late to the paddock WAC 260-28-200 | Warning to \$50 | Warning to \$50 | \$50 to \$100 |
| Failure to have registration papers on file - resulting in a scratch WAC 260-40-090 | \$50 to \$100 | \$100 | \$100 |
| Failure to obtain permission for equipment changes WAC 260-44-010 | Warning to \$50 | \$100 | \$100 |
| Failure to report performance records WAC 260-40-100 | Warning to \$50 | \$100 | \$150 |
| Insufficient workouts - resulting in scratch WAC 260-40-100 | \$50 to \$100 | \$100 | \$100 |

| Class C Licensed Facilities | | | |
|---|---|-------------------------|-----------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Smoking in restricted areas WAC 260-20-030 | \$25 | \$50 | \$100 |
| Disturbing the peace WAC 260-80-140 | Warning to \$100 and/or suspension | \$250 and/or suspension | Suspension |
| Person performing duties for which they are not licensed WAC 260-36-010 | \$50 | \$100 | \$150 |
| Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230 | \$500 | | |
| Licensing - failure to divulge a felony WAC 260-36-120 | \$100 or possible denial of license | | |
| Licensing failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-120 | Warning to \$25 | | |
| Licensing - providing false information on application WAC 260-36-120 | \$50 to \$250 or possible denial of license | | |
| Licensing - nonparticipation WAC 260-36-080 | License canceled | | |
| Violation of any claiming rule in chapter 260-60 WAC | \$100 to \$250 plus possible suspension | | |
| Use of improper, profane or indecent language to a racing official WAC 260-80-130 | \$50 | \$100 | \$250 |
| Unsafe vehicle operation WAC 260-20-020 | Warning to \$50 | | |
| Financial responsibility WAC 260-28-030 | Resolve 30 days or before the end of the fall meet (whichever is sooner) to resolve or suspension | | |
| Failure to appear for ruling conference WAC 260-24-510 | Suspension | | |

| Class C Licensed Facilities | | | |
|--|--|-------------------------|-----------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Failure to honor riding engagements (call) - agents WAC 260-32-400 | \$25 | \$50 | \$100 |
| Reporting incorrect weight - jockeys WAC 260-32-150 | \$25 | \$50 | \$100 |
| Failure to appear for films - jockeys WAC 260-24-510 | \$25 | \$50 | \$100 |
| Failure to fulfill riding engagement WAC 260-32-080 | \$50 | \$100 | \$200 |
| Easing mount without cause WAC 260-52-040 | \$100 | \$200 and/or suspension | \$400 and/or suspension |
| Jockey failing to maintain straight course or careless riding WAC 260-52-040 | Warning to \$750 and/or suspension (riding days) | | |
| Jockey's misuse of whip WAC 260-52-040 | Warning to \$2500 | | |
| Use of stimulating device (may include batteries) WAC 260-52-040 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Possession of stimulating device (may include batteries) WAC 260-52-040 and 260-80-100 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Entering ineligible horse WAC 260-40-140 and 260-80-030 | \$25 | \$50 | \$50 |
| Arriving late to the paddock WAC 260-28-200 | Warning to \$25 | \$50 | \$50 |
| Failure to have registration papers on file - resulting in a scratch WAC 260-40-090 | \$50 | \$100 | \$100 |
| Failure to obtain permission for equipment changes WAC 260-44-010 | Warning to \$50 | \$50 | \$50 |

| Class A, B and C Licensed Facilities | | | |
|---|--|-----------------------------|-----------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030 | \$50 | \$100 | \$250 plus possible suspension |
| Failure to post problem gambling signs WAC 260-12-250 | Warning to \$50 | \$100 | \$200 |
| Issuing a check to the commission with not sufficient funds WAC 260-28-030 | \$25 | \$50 | \$100 |
| Failure to follow instructions of the outrider WAC 260-24-690 | \$50 | \$100 | \$200 |
| Failure to complete provisional license application within fourteen days WAC 260-36-200 | Warning to \$100 and denial of license | \$250 and denial of license | \$500 and denial of license |
| Failure to pay or default on L&I payment WAC 260-28-235 | Suspension until paid plus \$25 for each quarter payment is late | | |
| Failure to register employees with the commission (trainer's responsibility) WAC 260-28-230 | Warning to \$50 | | |
| Unlicensed person on the backside WAC 260-20-040 and 260-20-090 | Report violation to the racing association | | |

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee shall include violations, which occurred in Washington as well as any other recognized racing jurisdiction. If a penalty is not listed under second or third/subsequent offense columns, the penalty listed in the "first offense" column shall apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards shall have discretion to impose the penalties as provided in WAC 260-24-510 (3)(b). For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year.

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

- (a) The past record of the licensee or applicant;
- (b) The impact of the offense on the integrity of the parimutuel industry;
- (c) The danger to human and/or equine safety;
- (d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or
- (e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-84-090.

(6) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter. A stewards' ruling shall not prevent the commission from imposing a more severe penalty.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-058, § 260-84-060, filed 3/10/06, effective 4/10/06; 05-07-064, § 260-84-060, filed 3/11/05, effective 4/11/05. Rules of racing, § 381, filed 4/21/61.]

WAC 260-84-065 Licensees—Drug and alcohol penalties. (1) Engaging in the illegal sale or distribution of alcohol in violation of WAC 260-34-020(2).

- (a) First offense - thirty-day suspension; and
- (b) Second or subsequent offense - one-year suspension and referral to the commission for revocation.

(2) Use or possession of an illegal controlled substance, other than marijuana.

- (a) First offense - thirty-day suspension; and
- (b) Second offense - one-year suspension and referral to the commission for revocation.

(3) Possession or use of marijuana.

- (a) First offense - three-day suspension;
- (b) Second offense - thirty-day suspension; and
- (c) Third or subsequent offenses - one-year suspension and referral to commission for revocation.

(4) Under the influence of or affected by intoxicating liquor and/or drugs in violation of WAC 260-34-020(1).

- (a) First offense - warning to one-day suspension;
- (b) Second offense - three-day suspension;
- (c) Third offense - thirty-day suspension; and
- (d) Subsequent offenses - one-year suspension and referral to commission for revocation.

(5) Refusal to submit to a drug or alcohol test, one-year suspension plus referral to commission for revocation.

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(6) Possession of any equipment or material used to manufacture or distribute any controlled substance, or engaging in the sale, manufacturing or distribution of any illegal controlled substance on the grounds in violation of WAC 260-34-020 (3), (4), and (5), immediate ejection from the grounds and referral to the commission for revocation.

(7)(a) For violations of WAC 260-34-020 (1) and (4), the board of stewards may stay a suspension if the licensee or applicant shows proof of participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services. Individuals will only be allowed a stay of a suspension under this subsection once in a five-year period. If during this time a licensee or applicant violates the provisions of chapter 260-34 WAC, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. Before being granted a stay of the suspension, the licensee or applicant must also agree to the following conditions:

(i) Remain in compliance with the rehabilitation and/or treatment program.

(ii) Submit to random drug or alcohol testing at the discretion of the board of stewards or commission security investigators for a period of five years.

(iii) Have no further incidents of violating chapter 260-34 WAC within the next twelve calendar months.

(b) If the board of stewards, after a conference, finds that the licensee or applicant failed to comply with the conditions of the stay, the original suspension may be imposed. Failure to remain in compliance with the rehabilitation and/or treatment program shall be considered a failure to comply with the conditions of the stay.

(c) Upon successful completion of a drug or alcohol rehabilitation or treatment program, a licensee or applicant can request the board of stewards lift the suspension.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-058, § 260-84-065, filed 3/10/06, effective 4/10/06.]

WAC 260-84-070 Ejection from grounds—Permission to reenter. Any person ejected from the grounds of an association shall be denied admission to said grounds until permission to reenter has been obtained from the commission, or its designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-070, filed 3/11/05, effective 4/11/05. Rules of racing, § 382, filed 4/21/61.]

WAC 260-84-090 Equine medication and prohibited substances—Penalties—Guidelines. (1) Upon a finding of a violation of the medication and prohibited substances rules in chapter 260-70 WAC, the stewards shall consider the classification level of the medication, drug or substance prior to imposing a penalty. The stewards shall also consult with an official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation and whether the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's report received per WAC 260-70-540.

(2) A lesser penalty than that established in WAC 260-84-110 may be imposed if a majority of the stewards determine that mitigating circumstances warrant a lesser penalty. If a majority of the stewards determine a greater penalty is appropriate or that a penalty in excess of the authority granted

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them is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action. In determining if there are mitigating circumstances surrounding a medication violation for substances referred to in chapter 260-70 WAC, at least the following shall be considered:

(a) The past record of the trainer and/or veterinarian in medication/drug cases;

(b) The potential of the medication/drug to influence a horse's racing performance;

(c) The availability of the medication/drug;

(d) Whether there is reason to believe the responsible party knew of the administration of the medication/drug used;

(e) The steps taken by the trainer to safeguard the horse;

(f) The probability of environmental contamination or inadvertent exposure due to human drug use;

(g) The purse of the race;

(h) Whether the medication found was one for which the horse was receiving a treatment as determined by the veterinarian report(s);

(i) Whether there was any suspicious betting pattern in the race; and

(j) Whether the presence of the medication/drug in urine was confirmed in serum or plasma.

(3) If a majority of the stewards determine a penalty greater than established in these rules is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

(4) If the penalty is not otherwise established for a violation of chapter 260-70 WAC, the penalty shall be determined by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-058, § 260-84-090, filed 3/10/06, effective 4/10/06; 05-07-064, § 260-84-090, filed 3/11/05, effective 4/11/05.]

WAC 260-84-100 Furosemide penalties. (1) Penalties shall be assessed against any person found to be responsible or party to the improper administration of furosemide or failure to administer furosemide when required, in chapter 260-70 WAC as follows:

Fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may be referred to the commission for further action, which may include an additional fine or suspension.

| Concentration | 1st offense within 365 days | 2nd offense within 365 days | 3rd and subsequent offenses within 365 days |
|-------------------------|-----------------------------|-----------------------------|---|
| > 5.0 but < 6.5 mcg/ml | Warning | Fine not to exceed \$300 | Fine not to exceed \$500 |
| ≥ 6.5 but < 10.0 mcg/ml | Fine not to exceed \$300 | Fine not to exceed \$500 | Fine not to exceed \$1000 |
| ≥ 10.0 mcg/ml | Fine not to exceed \$500 | Fine not to exceed \$1000 | Fine not to exceed \$2500 and possible suspension |

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug

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(2) Equine medication violations from Washington and all recognized racing jurisdictions, shall be considered when assessing penalties.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-100, filed 3/11/05, effective 4/11/05.]

WAC 260-84-110 Penalties for uniform classifications. (1) Penalties shall be assessed against any person found to be responsible or party to the improper administration of a drug or the intentional administration of a drug resulting in a positive test. In assessing penalties under this section, violations in the last three hundred sixty-five days from Washington and all recognized racing jurisdictions shall be considered.

(a) Class 1 - One to five year suspension and at least \$5,000 fine and loss of purse.

(b) Class 2 - Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse.

(c) Class 3 - Sixty days to six months suspension and up to \$1,500 fine and possible loss of purse.

(d) Class 4 - Zero to sixty days suspension and up to \$1,000 fine and possible loss of purse.

(e) Class 5 - Warning to fifteen days suspension with a possible loss of purse and/or fine.

(2) A lesser penalty may be imposed if a majority of the stewards determine that mitigating circumstances, as outlined in WAC 260-70-090 exist.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-110, filed 3/11/05, effective 4/11/05.]

WAC 260-84-120 Penalties relating to permitted medication. (1) Should the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules the following penalties shall be assessed:

(a) For a first offense within a three hundred sixty-five day period - Fine not to exceed \$300;

(b) For a second offense within a three hundred sixty-five day period - Fine not to exceed \$750;

(c) For a third offense within a three hundred sixty-five day period - Fine not to exceed \$1,000.

(2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of the quantities authorized by this rule, the following penalties shall be assessed:

or substance was required to be administered may be grounds for disciplinary action.

(5) In assessing penalties for equine medication, violations from Washington and all recognized racing jurisdictions shall be considered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-120, filed 3/11/05, effective 4/11/05.]

WAC 260-84-130 Penalties for prohibited practices.

For a person found to be responsible for or party to violation of WAC 260-70-545, including the treating veterinarian, the following penalties shall be assessed:

(1) For violations of WAC 260-70-545, except WAC 260-70-545 (4)(b);

(a) For first offense - Thirty day suspension and \$1,000 fine;

(b) For second offense - Sixty day suspension and \$2,000 fine;

(c) For third offense - One year suspension, \$2,500 fine and a mandatory referral to the commission.

(2) For violations of WAC 260-70-545 (4)(b), the person found to be responsible for or party to the violation, including the treating veterinarian shall be suspended for one year, shall pay a \$2,500 fine and there shall be a mandatory referral to the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-130, filed 3/11/05, effective 4/11/05.]